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AMERICAN EXPERIENCE WITH MILITARY GOVERNMENT*

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Americans have had a long and varied experience with military government. The names New Mexico, California, New Orleans, Memphis, Cuba, Manila, Mindanao, Samoa, Guam, Vera Cruz, and Coblenz by no means exhaust the list of places where American military or naval governors have exercised control over civil populations. Virtually no effort has been made before the present war to analyze this experience and to draw from it principles to assist in the solution of the problems of the present and immediate future. Military government is of vast importance for the world of tomorrow. It is the transitional phase between the active conflict of armies and the quiet of an established peace. Military government may be—and has been at times in American history—as important for ultimate solutions as major military campaigns.

"Military government," according to the official definition set forth in the War Department's *Field Manual 27-5*, "is that form of government which is established and maintained by a belligerent by force of arms over occupied territory of the enemy and over the inhabitants thereof. In this definition, the term *territory of the enemy* includes not only the territory of an enemy nation but also domestic territory recovered by military occupation from rebels treated as belligerents." The definition does not cover the whole range of actual occupations in American experience. Military government should not be thought of entirely in terms of enemy territory or enemy populations.

Military government, however, is normally closely associated with the operations in campaign of the Army or the Navy. For this

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reason, the War Department Manual lays down the following principles concerning authority. "The exercise of military government is a command responsibility, and full legislative, executive, and judicial authority is vested in the commanding general of the theatre of operations. By virtue of his position, he is the military governor of the occupied territory, and his supreme authority is limited only by the laws and customs of war." The actual planning is done for the commanding general by the civil affairs officers of his staff. Above the theatre commander is the Civil Affairs Division in the office of the Secretary of War. This division, in conjunction with the General Staff, is charged with the task of preparing plans and policies with respect to military government.

In the normal situation, as envisaged by the War Department, military government may pass through three successive phases. The first occurs while fighting is going on in the district, in other words, the territory immediately behind the fighting front. In this phase, military government conforms to the boundaries of the zone of operations of tactical units, and consequently is of a rudimentary sort. The relations with the inhabitants are in the hands of the civil affairs officers on the staff of the commanding general of the troops actually making the advance or of reinforcing civil affairs personnel sent into the combat zone for attachment to the tactical unit. These latter may be sent forward to study the problems in the area preparatory to establishing second phase military government after the front has moved forward. The second phase emerges when the fighting forces have moved beyond the district so that it comes in what the military men call the "zone of communications." This is a period of developed military government. The officers in immediate contact with the civil population, for example in control of conquered cities, are the civil affairs officers assigned to duty within specified political boundaries by the commanding general of the zone of communications. This commander is, of course, subject to the authority of the commanding general of the theatre of operations who, as already brought out, is advised by the civil affairs officers on his staff. The third phase, as for example the occupation of a portion of the Rhineland by American forces after the Armistice of 1918, begins with the termination of fighting and ends at the will of the occupying power. This also is a period of developed military government. In the present war, it is assumed that, in the third phase, military government, strictly defined, may be modified or even replaced by non-military authori-

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ties acting for allied governments operating in concert or for separate nations.

The normal situation just described does not give an adequate idea of military occupation and government as they have been used in the past by the United States. There have been times when American armed forces operated in or were stationed on neutral or friendly territory. Several American occupations have not involved war, though many of these have involved military government. A survey of the varying purposes of American military occupations discloses more adequately than the Manual the importance of this instrument. Although the fact is not generally recognized, the United States has had a long experience—extending through more than a century—with military government.

I. PURPOSE

In 1846, Secretary of War Marcy, acting for President James K. Polk, directed Colonel Stephen Kearny to advance upon the Mexican province of New Mexico, to take it, and to set up a military government therein, as a prelude to annexation. This is one of the first directives in American history relating to military government and, as such, is worth a brief quotation. "Should you conquer and take possession of New Mexico and Upper California or a considerable part of either," ran the directive, "you will establish temporary civil government therein—abolishing all arbitrary restrictions that may exist, so far as it may be done with safety. In performing this duty it will be wise and prudent to continue in their employment all such of the existing officers as are known to be friendly to the United States and will take the oath of allegiance to them . . . You may assure the people of those provinces that it is the wish and design of the United States to provide for them a free government, with the least possible delay, similar to that which exists in our territories. They will then be called on to exercise the rights of freemen in electing their own representatives to the territorial legislature. It is foreseen that what relates to civil government will be a difficult and unpleasant part of your duty, and much must necessarily be left to your discretion."[1] Secretary Marcy was a statesman of some prescience when he remarked that what he called civil, meaning military, government would be difficult and unpleasant and that it would necessitate putting wide discretion in the hands of the military governor. Subsequent Amer-

[1] 29th Cong., 2nd Sess., Ex. Doc. 19, pp. 5–6.

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ican experience has piled up a mass of illustrations to verify the accuracy of the forecast.

Another purpose of military occupation was suggested in 1848, when General Winfield Scott, victorious over the armies of Mexico, was directed to hold the national capital as a base from which, if necessary, to extend occupation over the entire country. Scott's mission was two-fold: he was to force the Mexicans to pay large sums of money to defray not only the expense of the occupation but some of the cost of the war, and he was to maintain American power until a treaty of peace brought an end to the conflict.

In the years from 1862 to 1865, New Orleans was occupied by Federal troops for the military purpose of denying the great Gulf port to the Confederacy and with the political objective of restoring southern Louisiana to the Union. Cuba was occupied after the conclusion of fighting in the Spanish-American war for the purpose of maintaining order during the transition period in which the Cuban people, freed from colonial status, were organizing a government capable of maintaining national independence. One of the duties of the military government there was to instruct the politically untutored Cubans in the art of self-government. A subordinate but important aspect of the mission given to the military governor was to clean up and provide sanitary regulations for a pest-hole that was a menace to the health of American ports. In the small islands of Tutuila and Manua in the Samoan group, a naval officer has directed the government since 1899. Because the harbor of Pago Pago in American Samoa is an important naval station, it has been desirable to have the commandant of that station the governor of the island. A naval governor ruled Guam from 1899 until 1941. In these two cases, the purpose of the occupation was primarily strategic.

The objectives of the famous occupation of the Rhineland after November 11, 1918, were complex. French, British, and American troops established bridgeheads at strategically important cities "as a guarantee," in the words of the report of Colonel I. L. Hunt, "that . . . [Germany] would refrain from further aggressions. The enemy further was to be so placed in irons that he must either sign the Allied peace terms, whatever they might be, or consent to renew the war under conditions extremely disadvantageous."[2] The

[2] I. L. Hunt, *American Military Government of Occupied Germany, 1918–1920*, ms. War Department, p. 279.

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occupying forces were responsible for enforcing the terms of the armistice, for maintaining order in the occupied zone, and for being prepared to resume hostilities at a moment's notice. In view of such a mission, it seemed wise to the American G. H. Q. to establish an "Advanced G. H. Q." in the zone of the American occupation. The instrument of this occupation was the Third Army. The American plan called for the use of the tactical organization of this force as the actual organization of the military government. "Actual supervision over the execution of American orders," reported Colonel Hunt, "was performed, in the first instance, by the commanders of towns and villages. These officers were in no sense members of any separate hierarchy of military government. They were primarily unit commanders, to whom their civil duties were incidental. For the security of their troops, and in all but civil matters, their channel of responsibilities converged in the person of the Army Commander. In practice, the Office of Civil Affairs at Advanced G. H. Q. found that it could supervise the execution of its orders only through the Army Commander."[3] The possibility of the resumption of hostilities seems to have been a factor in the decision to use a tactical organization for purposes of military government, a task to which such organization is not well adapted. A more important reason for the decision, however, can be discovered in the fact that the Armistice found the American government unprepared to assume the responsibilities of military government. American G. H. Q., as a consequence, had suddenly to improvise a governmental organization for the vitally important Rhineland occupation.

One of the most difficult and most important of the American military occupations, namely, that in eastern Siberia, extended from the summer of 1918 to the spring of 1920, and was commanded by Major General William S. Graves. Because this occupation illustrates principles likely to be important during and after the present conflict, it is worth a more extended discussion. In mid-summer, 1918, while the decision on the Western Front was still in the balance, Russia was in a state of revolution and civil war. The Soviet government, dating from the October Revolution, had withdrawn from the war, and was seeking to organize the country. The Allies, hard pressed in France, cast about desperately for ways of reëstab-

[3] Hunt Report, p. 62.

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lishing an eastern front and hoped that the so-called White Russians could be used for this purpose. As a result, the Allies initiated operations in northern Russia. The North Russian Expeditionary Force, landing at Murmansk and Archangel in August, 1918, consisted of men from America, England, Canada, France, Italy, and Serbia. Though the German armistice was signed on November 11, the force in northern Russia continued to fight all winter. The American troops were withdrawn in June, 1919; the last man of the force was withdrawn in September, 1919.

This North Russian Expeditionary Force provides an interesting background for the Graves army of occupation in eastern Siberia. The directive which Secretary of War Baker handed to the astonished Graves in the railroad station of Kansas City in August, 1918, was a curious document. It was an *aide-mémoire* that had been drawn up personally by President Wilson for the information of the Allied Ambassadors and laid down the conditions under which the United States would participate in a joint military occupation of eastern Siberia. In this expedition, Japan, France, and Great Britain participated along with the United States. The *aide-mémoire*, which was Graves' directive, declared that the United States would tolerate no interference in Russia's domestic politics. It conceived that the sole duty of the combined expeditionary forces was to give aid to a force of Czechs that had escaped from the German army and was making its way across Siberia, to help steady genuine Russian efforts at self-government and self-defense, and to guard Allied military stores. The document insisted that the military forces be small. It requested "all associated in this course of action to unite in assuring the people of Russia in the most public and solemn manner that none of the governments uniting in the action either in Siberia or in northern Russia contemplates any interference of any kind with the political sovereignty of Russia, any intervention in her internal affairs, or any impairment of her territorial integrity, either now or hereafter, but that each of the associated powers has the single object of affording such aid as shall be acceptable, and only such aid as shall be acceptable, to the Russian people in their endeavor to regain control of their own affairs, their own territory, and their own destiny."[4]

The relevance of the Siberian undertaking to present problems lies in the fact that the situation in eastern Siberia was remote

[4] W. S. Graves, *America's Siberian Adventure*, pp. 5–10.

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from the world center of interest, that it was fluid, and that it contained the possibilities of developments of vast and far-reaching importance. Many situations having similar characteristics may well arise out of the present global conflict. Because eastern Siberia was so far out on the periphery of American, British, and French interest, the "military commanders," to quote Secretary Baker, "were left largely free to determine questions of political policy."[5]

Graves took the policy laid down in the *aide-mémoire* and maintained it with the utmost fidelity and tenacity. This course brought him into collision with General Knox, the commander of the British forces. Britain, fearing that Bolshevism would extend from Siberia to India by way of China, was anxious to give military support to Admiral Kolchak, who was trying to establish an aristocratic régime whose temporary capital was Omsk. Knox was an active adviser of Kolchak. Dmitri Alioshin, a Russian attached to Graves' staff as chief interpreter, has described the extraordinary difficulty of the task that Graves confronted in his efforts to carry out his mission of neutrality. "In line with the policy stated in the *Aide-Mémoire*," Alioshin has remarked, "General Graves did his best to remain neutral. This neutrality was immediately interpreted by the Allies to be an indication of unwillingness to coöperate and an admission that the American forces were furthering the cause of revolution. The Allies pointed out that the Americans were fighting the Bolsheviks at Archangel, shoulder to shoulder with the English, while in Siberia they refused to lift a finger. There were instances where Graves had to refuse assistance to the Allies when they were engaged in battle."[6] On May 19, 1919, the British Foreign Office made formal representations to the Secretary of State enumerating six specific instances of failure on the part of the American general to coöperate. An American war correspondent reported that thoroughgoing Tory, General Knox, as saying to General Graves: "You're fast getting the reputation of being a friend of the poor, and you must understand that the poor are nothing but swine."[7] After the Kolchak *débâcle*, a disillusioned Knox, on his way home, called on Graves. "He came to see me," said Graves, "and said that he had completely failed, that he had done nothing for Russia, his own country, or himself."[8]

[5] Graves, *op. cit.* p. xiv. [6] Dmitri Alioshin, *Asian Odyssey*, p. 47.
[7] Frazier Hunt, *One American and his Attempt at Education*, p. 182.
[8] William S. Graves, *op. cit.*, p. 337.

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Graves collided also with the Japanese, who were attempting, with extraordinary lack of subtlety in their maneuvers, to make some sort of lodgment in Siberia. The collapse of Russian power had given them a golden opportunity. What the Japanese military apparently most coveted was the inauguration of an armed crusade against Bolshevism on the part of the Allied powers. Actual fighting would have given the Japanese an excuse to build up a large force in Siberia and undoubtedly a pretext to stay. The extent of the Japanese interest is suggested by the fact that, although the Nippon government had agreed to use only a small force, comparable to the 9,000 that Graves commanded, Japanese troops at one time numbered more than 70,000. Two colonels who arrived in Siberia ahead of Graves fell into the Japanese trap, accepted the orders of the Japanese General Otani as head of the Allied Council, and placed their regiments in dangerous fighting areas where brushes with Red forces occurred. Frazier Hunt, war correspondent for the *Chicago Tribune*, has left a vivid account of the first meeting of the Allied Council after Graves had reached his post. General Otani, "with little attempt at delicacy," laid out the disposition he had made of his own and the American troops.

"Who sent the American soldiers into those areas?," Graves bluntly demanded.

"The Inter-Allied Council, under my command," the Japanese general answered through his interpreter.

"Well, let's get this matter straightened out right now," General Graves went on. "I am in command of the American Expeditionary Force, and in sole command of it. I don't recognize you or anyone else as being 'commander in chief' of any so-called 'Allied Expedition.' I'm at once ordering my troops to railroad zones. . . . Good day, gentlemen!"[9]

General Graves observed and reported to the War Department with complete impartiality the situation among the Russian factions. His mission was to wage neutrality, and he did so with outstanding success. The War Department and the President gave full approval to his conduct. Because of the limited objectives set forth in his directive, Graves never set up a developed military government. He merely occupied and policed certain limited areas in the territory of a power with which the United States was not, in spite of the Archangel expedition, formally at war. The episode illustrates the fact that the mission controls the form of the military govern-

[9] Frazier Hunt, *op. cit.*, p. 182.

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ment. In the Siberian case, the mission could be carried out only by refraining from setting up a formal military government.

Graves' achievement was one of major importance for the course of American history, yet it is not entirely clear whether he ever fully realized what he had accomplished. His volume, describing the undertaking, suggests his perplexity as to the meaning of the expedition. Ex-Secretary Baker, writing in 1931, had a better perspective on the results of the Graves' course in which the general not only declined to fight the Bolsheviks, but made it impossible for his allies to fight them. The American Siberian expedition, said Baker, "created a situation which made necessary the withdrawal of all Allied forces from Siberian soil when it was withdrawn, thus making impossible territorial conquests and acquisitions on Russian soil by other nations whose interests in the Far East might easily have induced them to take over for pacification, and ultimately for permanent colonial administration, vast areas of Russia's Far East."[10] The importance for the United States of keeping Japan out of Siberia has become all too evident since December 7, 1941. Probably no military occupation in our history has accomplished so much for the American people as that of General William S. Graves.

II. FORM

The nature of the Siberian expedition and the mission of the Rhineland occupation suggest the importance of the principle of flexibility laid down in F. M. 27-5. The Manual declares that "a plan for military government must be flexible. It must suit the people, the country, the time, and the strategical and tactical situation." In the Rhineland, the Americans used the well organized German local government and supervised these national officials by a military government organized along tactical lines. In the Siberian expedition may be found an extreme illustration of the principle of flexibility. The needs of political strategy were best served by having no military government at all in the sense of complete control by American forces of the civilian population of any part of Siberia.

In American experience, there has been wide variation in the form of military government. In New Mexico, Kearny, after the collapse of the old Mexican régime, appointed a civil governor and

[10] Graves, *op. cit.*, p. xii.

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a variety of lesser civil officials to perform the tasks of local government under the supervision of a supreme military governor. The plan of having a civil governor had ultimately to be given up, and the commander took the title of civil and military governor. In Cuba, the military governor of the island was aided and advised by secretaries appointed from among the Cubans. This was partly for the purpose of efficiency of administration and partly for instruction of the Cubans. Under the supreme military governor, also, were generals at the head of affairs in the separate provinces. The old Spanish law was retained, and there was some new constructive legislation to adapt it to the new conditions of separation from Spanish control. The courts were reorganized and reformed. General John R. Brooke, the first military governor, established a hierarchy of courts—a supreme court at the top, one superior court in each of the six provinces, courts of first instance, and a police court (after the pattern of the United States) in Havana. General Wood later extended the police court to all principal cities. The military government attempted to stamp out the normal corruption of the old Spanish courts by abolishing fees and putting the judges on salary. An effort to introduce the jury system failed for three reasons: widespread illiteracy made it necessary to draw juries from the professional class; this class was for the most part exempt from such service; and finally, deeply embedded in Spanish custom was the dislike of a citizen to pass judgment on his fellows. In place of juries, tribunals of three, five, and seven judges passed on both law and fact. In the Philippines, after the decision by the United States to retain the islands, executive authority was exercised by the military governor and legislative authority by a commission appointed by the President of the United States. In American Samoa for more than a third of a century, government has been in the hands of the naval governor, with a small amount of advice from the *fono* of chiefs that meets once a year. Local affairs are administered in the villages by native officials according to old tribal custom. The governor, however, disregards their advice when, as in the case of hygienic regulations, it seems in the public interest so to do.

There are some observers who feel that in the present war the Rhineland type of occupation may fall into the category of exceptional. To support this position, they point to the vast modification, and even the destruction, of local governments in the present con-

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flict. In some parts of the world, a more normal type may be that used in the occupation of the Dalmatian coast after the Armistice of November, 1918. This little known occupation illustrates not only form but relations among allies. It emphasizes also the connection between military occupation and national political policy and points to a possible solution of problems in a region where the situation is fluid.

An armistice was granted to Austria effective as of November 4, 1918. Three days later, Admiral Sims ordered Rear Admiral Bullard to the Adriatic as delegate to act with naval representatives of Italy, France, and Britain in executing the naval terms of the armistice. Political authority in the Austrian territory, which later became Jugoslavia, had collapsed with the retreat of Austrian forces and the Jugoslavs were building local governments and a national political structure as rapidly as possible. President Wilson strongly supported this effort, on the principle of the self-determination of peoples. The Italians, however, consistently attempted to take immediate advantage of the chaotic situation following the Austrian armistice to force troops into the Jugoslav territory. They desired particularly to establish a foothold in Dalmatia, both because of valuable coal and bauxite deposits and because the Dalmatian coast, with its fringe of islands, was the key position which in a naval sense commanded the entire Adriatic. The Italians used for their own political ends a regiment of American troops that had been assigned before the Armistice to the Italian command. On repeated occasions in the fluid period after November 4, the Italians ordered detachments of the American regiment to participate in Italian efforts to occupy strategic positions on the Adriatic coast. The presence of Americans created the specious appearance of an Allied occupation and was intended to allay the militant Jugoslav hostility to Italian efforts at expansion. When this situation in the Adriatic was finally made clear to President Wilson, he found it necessary to countermand a War Department order withdrawing the Americans from Italian command, since delicate negotiations at Paris made such a brusque course impolitic at that time. Later, however, Wilson ordered the recall of the regiment from the Adriatic. The uses to which the Italians were putting the American troops under their command strongly suggests a possible reason why the ultimate American occupation of the Dalmatian coast was a purely naval affair.

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On November 16, the Allied naval delegates met at Venice and organized themselves into a Naval Committee for the Adriatic. Beginning on November 26, they held several sessions at Rome, at which time they made two important decisions: they divided the Austrian navy among the Italians, French, and Americans to be guarded until the Peace Conference reached a final decision concerning its ultimate disposal; and they partitioned the Jugoslav coast into three zones of occupation—the Italian on the north, the French on the south, and the American in the middle. Each naval delegate was charged with the responsibility of maintaining order in his zone. Significantly, the committee assigned the highly strategic Dalmatian area to the Americans. This quick decision by naval authorities crystallized the uncertain situation on the eastern shore of the Adriatic and blocked Italian efforts to establish themselves in Dalmatia. Later, the arrangement was ratified by the Allied political chiefs.

Following the delimitation of occupation zones, the naval delegates proceeded to their respective stations and assumed duties of occupation. The mission of the American naval commander occupying Dalmatia was threefold—he was to disarm and guard certain Austrian warships in his area; he was responsible for order in his zone; and he was to be guided by and to further the "general principles laid down by the President."[11] These principles were the Wilson policy of self-determination. In other words, the American admiral was to aid the Jugoslavs to develop their own nation. This part of the directive had to be phrased in general terms, because it was aimed at Italy, a friendly ally.

The form of the naval government was adjusted to the mission. A provisional assembly and a governor had been elected by the Dalmatians, and they were coöperating with the National Council of Serbs, Croats, and Slovenes. In the event of disorder, the governor of Dalmatia could call upon local militia of doubtful reliability, and upon small numbers of Serbian regular troops who had garrisoned the area. The American naval governor recognized and supported the legality of this political arrangement. Early in 1919, disturbed local conditions forced the Committee for the Adriatic to circulate four armed inter-allied patrols night and day throughout the area under the command of the American admiral. Dissatisfied with this, the American governor a few months later sup-

[11] Benson to Bullard, Dec. 16, 1918.

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pressed, on his own initiative, the inter-allied patrols and substituted for them a small American patrol which for a few hours each day, until the occupation terminated, assisted the local police in maintaining order. The closest sympathy and friendship existed between the Americans and Jugoslavs. The American admiral was able to exercise control and so to fulfill his responsibility by working in harmony with the local government and Serb troops which freely and continuously asked his advice and, more important, invariably followed it.

The most difficult part of the mission was to further, against the ambitions of Italy, the principle of self-determination for the Jugoslavs. On a few occasions, Italians from their zone of occupation on the north attempted armed sorties into Dalmatia. These attempts were always met by warnings and, at least once, by the landing of armed forces from the American warships. A show of force by the Americans was always sufficient. The American commander also used propaganda as a weapon against the Italians. In one instance he caused notices to be posted in a locality threatened by the Italians announcing that the Americans would protect the Dalmatians. Such propaganda and the show of force proved in the end successful because of the great moral prestige which the Americans commanded.

The form of the Dalmatian occupation is unique. For his governmental organization, the naval governor of the occupied area depended upon the local political arrangements of the Jugoslavs and for his military garrison upon the regular Serb troops in the region, backed by a small American patrol and temporary landings of additional bluejackets in an emergency. Because of Jugoslav fear of the Italians and their trust in the United States, the arrangement was a success. The whole affair, it is worth noting, was among allies.

The American occupation of the Dalmatian coast lasted until September 29, 1921. Long before that time, the ex-Austrian warships under guard there had been allocated to Italy by the Inter-allied Committee for the Destruction of Enemy Warships. Before the Americans left, the State Department desired to see Italy evacuate its zone on the Adriatic littoral. The reason for the extended occupation was the political and military weakness of the Jugoslav state. Events finally occurred which strengthened Jugoslavia, and the Italians, under pressure, finally withdrew from most of their

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shore-line. Only then did the American force leave. Just before the American commander departed, he received a letter from the mayor of a city in the Italian occupation zone thanking him as a representative of the United States for protecting the Jugoslavs against the Italians for the past two years. The last American warship to leave Dalmatia, and hence the ship to carry out the last American operation of the First World War in the Adriatic theater, was by a strange fate the *Reuben James*.[12]

III. MILITARY GOVERNMENT AND THE EXECUTIVE BRANCH OF THE GOVERNMENT OF THE UNITED STATES

The principle of unity of command for all the armed forces of the United States is established in the Constitution by making the President commander-in-chief. He is, at the same time, at the head of that vast agglomeration of departments and agencies known as the executive branch of the United States Government. In this branch, so far as cabinet rank is concerned, the War Department outranks the Navy Department, and both are outranked by the Treasury Department and the Department of State. This fact, of course, makes no difference in the conduct of a war, but it provides a background for three episodes in American experience when military governors have had to deal directly with administrative departments other than the War Department.

The first important case of direct contact between a military governor and one of the executive departments occurred at Memphis, Tennessee, after its capture by General Grant early in 1862. When the city fell, the Treasury Department appointed treasury officials in Memphis and directed them to issue permits for trading in cotton. The Federal Government was anxious to get cotton to ship abroad for the purpose of reducing the danger of British and French recognition of the Confederacy. Ostensibly, the cotton was to be purchased only from loyal persons living behind the Confederate lines. At the same time that the Treasury Department came to Memphis, a swarm of speculators poured into the city. The result was trading with the enemy on a vast scale. Grant, commanding general, became so incensed on one occasion that he ordered all Jews in his department to leave within forty-eight hours, an order

[12] The material on the Dalmatian occupation was written for this paper by Mr. Anthony Davidonis of Princeton University. He is the first scholar to uncover this material and is preparing an extended and definitive presentation of it.

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obviously so improper that Halleck ordered that it be revoked. It expressed, however, the inevitable attitude of the soldier toward the civilian speculator. Grant and his lieutenant, Sherman, who became for several weeks military governor of Memphis, saw this growing and profitable trade in cotton giving aid and comfort to the enemy. Great quantities of shoes, cloth, percussion caps, medical supplies, and other goods were passing through. It was estimated that between 1862 and June, 1864, $20,000,000 to $30,000,000 worth of supplies went to the Confederate armies of the West. Much cotton, moreover, was bought with gold which the Confederates used to purchase arms and ammunition in the West Indies.

General W. T. Sherman, as military governor, attempted to check this flow of trade. He stopped the sending of Federal gold into the Confederacy by declaring gold, silver, and Treasury notes contraband of war. Purchasers of cotton could not pay in Confederate notes because the United States refused to recognize them. Buyers were, however, by the Sherman order, permitted to pay with Tennessee and southern bank notes. If this proved impossible, the purchaser might deposit gold with the Federal quartermaster for payment to the seller after the war. To stop supplies going through the lines, Sherman organized a local board of trade to supervise all dealing in cotton. One of the more interesting documents to come out of American experience with military government is a letter written by W. T. Sherman to Salmon P. Chase under the date of August 11, 1862, in reply to a communication that came to the military governor direct from the Secretary of the Treasury. "I will write plainly and slowly," said Sherman, "because I know you have no time to listen to trifles. This is no trifle . . . . Before we in the interior could know of it, hundreds, yea, thousands of barrels of salt and millions of dollars had been disbursed; and I have no doubt that Bragg's army at Tupelo, and Van Dorn's at Vicksburg, received enough salt to make bacon, without which they could not have moved their armies in mass . . . and, strange to say, this traffic was not only permitted, but encouraged.[13] After a few weeks as military governor, Sherman was ordered to campaigning in the field. His successors allowed the restrictions set up by Sherman to be relaxed. This phase of the episode suggests the difficulties in military government arising from frequent changes in command.

[13] *Memoirs of General W. T. Sherman*, I, pp. 294–295.

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Two evil results came out of the trade situation in Memphis. A competent historian, after careful weighing of the evidence, has reached the conclusion that by "its lax policy in allowing contraband to pass into the hands of the enemy, the Federal government undoubtedly prolonged the struggle. . . . Had Sherman's policy of strict regulation of trade been enforced in Memphis and other captured cities, it is conceivable that the South would have been forced to submit long before Appomattox."[14] The other result was described by Charles A. Dana, who came to Grant's army on a special mission from Washington. "The mania for sudden fortunes in cotton," said Dana, "raging in a vast population of . . . Yankees scattered throughout the country and in this town has to a large extent corrupted and demoralized the army. Every colonel, captain, and quartermaster is in secret partnership with some operator in cotton; while every soldier dreams of adding a bale of cotton to his pay. I had no conception of the extent of the evil until I came and saw for myself. No private purchase of cotton should be allowed in any part of the occupied region."[15] Hindsight would suggest that the trouble could have been avoided by putting a competent military governor in Memphis, with complete authority and a tenure long enough to get his policy established. Under such a plan, the Federal government could, as Dana suggests, have itself purchased cotton without giving aid to the enemy.

The second case of direct contact between a military governor and an executive department at Washington occurred in Cuba. In setting up the military government under General John R. Brooke, the postal administration was in effect put under the control of the Postmaster General at Washington. E. G. Rathbone, who was director general of posts in Havana, was, as a consequence, virtually independent of the military governor. The first source of trouble to arise from this division of authority came from the fact that Rathbone, by extending mail routes and opening new offices all of which required the employment of considerable personnel, created, in a way, a small government of his own, and one which came into contact with all lines of communication of the military governor. The second difficulty was even more serious. The independence of the director general of posts made it difficult for the military governor to audit and supervise the financial affairs of the post office. Rath-

[14] G. M. Capers, *The Biography of a River Town*, pp. 154–155.
[15] Quoted in Capers, *op. cit.*, pp. 153–154.

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bone's sense of independence was enhanced by the fact that he was a friend of Senator Mark Hanna, of Ohio, the man who had made McKinley president in 1896, and who in 1900 was still the most powerful single individual in the Republican party. In January, 1900, the War Department discovered enough irregularities in the accounts of the Cuban post office to cause Secretary of War Elihu Root to direct General Wood, at the time military governor of Cuba, to see to it that thereafter accurate monthly statements were sent. Wood immediately moved to improve the auditing of the post office accounts. A consequence of this pressure was the absconding of a high ranking official in the Havana office. No time could have been more unfortunate for a scandal to break. The crucial presidential election of 1900 was at hand, and the slogan, anti-imperialism, was not only strengthening the Democrats but dividing the Republicans. The McKinley administration, moreover, was suffering in popular esteem as a result of the insurrection already begun in the Philippines. Some leaders thought that a major scandal in Cuba at that particular moment might add enough odium to overthrow the Republicans. Root and Wood determined, nevertheless, to clean up the Cuban post office in spite of the fact that in so doing they faced the active hostility of Senator Hanna and had to cope with the opposition of other high Washington officials both inside and outside the Post Office Department. In the end, because the Republican administration had discovered the defalcation and had proceeded vigorously against the faithless officials, the political effect of the scandal in the campaign of 1900 was blunted. The affair, however, threatened to wreck the Wood administration. The situation might easily have developed in such a way as to make it necessary to relieve him, in spite of the fact that he was not in control of the affairs of the post office. The prompt and thorough handling of the matter ultimately redounded to the credit of Wood and of the War Department. After long protracted legal proceedings, the principal evil-doers were convicted and given prison sentences. The close call which Wood had in this particular instance illustrates the danger which a military governor confronts when he has responsibility but not complete power.

The third illustration of direct contact between the head of a military occupation and one of the executive departments at Washington has to do with the relations between General Graves in Siberia and the State Department. The situation is complicated.

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It deserves particular attention because of its many implications.

The background of the affair is to be found in the opposition of the American people to Bolshevism during the latter months of the war and in the period following the Armistice. After the Armistice, it became the policy of the Allied governments virtually to ostracize Lenin's government in the conduct of international affairs. The mood of the times is suggested by a remark of President Wilson on October 22, 1919, in which he emphasized the need for "effective means of limiting the spread of Bolshevism and of protecting, thereby, the Government of the United States from the dangers of subversive propaganda."[16]

In eastern Siberia, Graves had to deal with Russian peasants, with one or more Russian military chiefs in the pay of Japan, and with Kolchak, who was attempting to set up a conservative government. The State Department gave careful consideration to the Kolchak enterprise, as did other Allied states, and seems to have sought to discover a justification for recognizing the Omsk government. The policy of recognition of Kolchak was supported by the American consul-general, Harris, in eastern Siberia. General Graves, in command of the American army of occupation, interpreted narrowly the instructions directing him to avoid interference in the factional disputes among the Russians. His forces were scattered over a considerable area, and his intelligence officers had excellent opportunities to observe what was transpiring. The picture they saw and the one Graves reported in a series of dispatches was that of a peasantry desirous of being let alone, yet badgered on the one hand by the Japanese agents and on the other offering passive resistance to serving in the Kolchak army. On more than one occasion Graves reported atrocities of a shocking character inflicted by Kolchak officers on peasants who failed to heed his conscription orders. Graves, in his account of the expedition, mentions in particular one report of an officer whom he had sent to investigate the atrocities. An excerpt from this report gives a picture of the situation in which the Americans were required to be neutral and also makes clear the point of view of at least one American soldier. It seemed that Kolchak officers had visited a certain village, only to find that all the young men of military age had disappeared. The Russian officers, thereupon, had taken ten older men, and when torture did not force them to reveal the whereabouts of the escaped younger males, had shot them. "I found," ran the intelli-

[16] *Foreign Relations of the United States*, 1919, Russia, p. 727.

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gence report to General Graves, "that the floor of the room these men were beaten in was covered with blood. The wire and loops of rope that were used around the men's necks were still hanging from the ceiling and covered with blood. I also found that some of these men had been scalded with water and burned with hot irons, heated in a little stove I found in the room." Graves called the officer who made the report to headquarters and questioned him. At the end of the conference, the officer said: "General, for God's sake, never send me on another expedition like this. I came within an ace of pulling off my uniform, joining these poor people, and helping them as best I could."

In this situation, the army of occupation had to meet two propaganda attacks. By Kolchak interests they were accused of being infected with Bolshevism, and one report added the comment that most of the American army "are Jews [presumably of Russian origin] from the East Side of New York City who constantly agitate for mutinies."[17] A second propaganda attack originated in Japanese headquarters. A friendly Russian, General Graves said later, "came to me and told me that on a certain date the Japanese controlled press was going to begin a violent and abusive campaign against Americans, and said their idea was that I would have to take action and if I did take action they hoped to succeed in having me relieved from command; and if I failed to notice it, Russians would have a contempt for us, because they could not imagine anyone with soldiers at their disposal permitting such to appear in the press unless these charges were true."[18] The campaign started on the date forecast. Graves stopped the scurrilous articles. The United States was criticized locally for advocating freedom of the press and permitting their agent to deny the Russian press the right to tell the "facts."

Criticism of the Americans emanating mainly from Kolchak and from Japanese sources reached the United States, where public opinion, intensely hostile to Bolshevism, was inclined to accept it. But news of the criticism reached America in a most extraordinary way. "The American Consul at Vladivostok," Graves has asserted, "was cabling to the State Department each day, without comment, the libelous, false, and scurrilous articles appearing in the Vladivostok press about the American troops."[19] At about the same time, Graves received a cable from the War Department "stating that the Government expected to get their information as to conditions

[17] Graves, *America's Siberian Adventure*, p. 110.
[18] Graves, *op. cit.*, pp. 108–109. [19] Graves, *op. cit.*, p. 122.

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in Siberia from the representatives of the State Department." "The cable," added Graves, "puzzled me very much. While it contained no instructions to me, the meaning seemed clear that the Government wanted me to know that what I said of Siberia, or of conditions there, would be ignored. Such a peculiar cablegram as this had some significance or meaning which was not entirely disclosed, and if the State Department wanted to know the real conditions in Siberia, why did they propose to ignore the information coming from the great majority of United States representatives? The army was in a much better position to get the facts than the State Department, because of the much larger number of observers."[20] Graves cabled the Chief of Staff for an explanation and was immediately told by General March that the Siberian command was sending exactly the kind of information wanted and to keep it up. The attitude of the State Department toward Graves is suggested in a telegram of Acting Secretary of State Polk to the Commission to Negotiate Peace, March 13, 1919. "In my opinion," said Polk, who was leaning toward recognition of Kolchak, "the situation is somewhat beyond General Graves and I think he will be required to be told specifically how far he can go, as his inclination is to interpret his instructions very conservatively. This will no doubt require your discussing the question with the President. If you do so, please let me know directions he will issue to the Secretary of War."[21] The attitude of the War Department toward Graves was expressed in a personal letter to the general written by General March, Chief of Staff, in March, 1919. "Keep a stiff upper lip," said the Chief of Staff, "I am going to stand by you until——freezes over."[22]

Many years later, Secretary of War Baker commented on the troubles of Graves with the State Department. "I cannot even guess," said Baker, in 1931, "at the explanation of the apparent conflict between the War Department and the State Department of the United States with regard to the Siberian venture, nor can I understand why the State Department undertook to convey its ideas on Siberian policy, as it seems occasionally to have done, directly to General Graves. Perhaps the State Department was more impressed than I was with some of the Allied views beyond the scope of the *Aide-Mémoire*."

[20] Graves, *op. cit.*, p. 120.
[21] *Foreign Relations of the United States, 1919, Russia*, p. 481.
[22] Graves, *op. cit.*, p. 160.

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The result of the propaganda attacks, by the Kolchak forces and by the Japanese, on the American expeditionary force in Siberia, and of the failure of the State Department to protect this force before American public opinion by making use of the extensive reports that Graves was forwarding to the War Department was to rouse in the United States unfortunate and unjust suspicions as to the American soldiers in Siberia. In this connection it should be recalled that the hysteria of a nation-wide Bolshevik scare extended in the United States from the latter part of 1919 well into the spring of 1920. Graves has described an incident that may well be taken as the reward for services of utmost value given by the United States to the American forces who participated in the Siberian occupation. A reunion dinner of some members of the expedition was held in a New York hotel in November, 1921. Admiral Knight, who commanded a naval force in Siberian waters, and General Graves were both present. A stranger came in and sat down and, when approached by the committee on arrangements, showed "a Department of Justice badge and said he had been ordered from Washington to be present at this meeting." "This," Graves concluded, "after Admiral Knight had given more than fifty years of his life, and I had given more than thirty-seven of mine, to the service of our country."[23]

The relations between Graves and the State Department illustrate the difficulties that may arise out of the fact that a military governor is under the jurisdiction of the War Department while the State Department is responsible, under the President, for the formulation of the political policy which the military governor is directed to carry out.

IV. CONCLUSIONS

The foregoing discussion deals with only a small area of the large problem of military government. Out of it, however, certain generalizations arise which may be stated briefly as follows:

1. In military government, the mission is paramount and controls the form. Form must be adjusted to the peculiarities of the culture and of the political and strategic situation in which a particular military government is set up. But, in the last analysis, as illustrated by the Rhineland, by Dalmatia, and by Siberia, mission governs.

[23] Graves, *America's Siberian Adventure*, pp. 123–124.

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2. Unity of command within a particular military government is an absolute necessity. The military governor must have both full power and full responsibility under the War Department or the Navy Department and the President. Any attempt on the part of other administrative departments in the executive branch to set up in an occupied area agencies independent of the military governor is fraught with grave peril. Witness Memphis and the Cuban post office.

3. Though military government is primarily an instrument for carrying out the policy of the President, there are times when the military governor becomes, of necessity, a policy-maker in a limited sense. The military governor may deal, at first hand, with a concrete situation the complexity of whose details he is not able to communicate to the normal policy-makers. He may confront a fluid situation requiring immediate action and find that the general policy-makers are so involved in a multiplicity of other problems as to be unprepared with a formula for the particular situation facing him. Witness the initiative of the naval officers in dealing with the problem of the Dalmatian coast. Time may be as much of the essence of military government as of military operations.

The national interest requires the closest liaison between the military governor and the policy-forming agencies of the executive branch. It is essential that the military governor know at all times as completely as possible the general policy determined upon. This necessity suggests that a political officer, necessarily in uniform, to advise the governor be part of the staff of every important occupying force. The principle of unity of command requires that such a political officer be only advisory. Military government stands normally midway between the phase of military strategy and that of political strategy, and for this reason must be, in the words of F. M. 27-5, a "command responsibility."

4. General Graves' achievement in Siberia suggests that the time has come when the vital importance of the function of civil affairs must be recognized alike by the government and by the general public. In these days, when the United States has set forth on a road that leads into a future that can be but dimly foreseen, it is worth while to recall the words addressed by Secretary Marcy to Colonel Kearny as the latter began his march toward New Mexico: "It is foreseen that what relates to civil government will be a difficult and unpleasant part of your duty, and much must necessarily be left to your discretion."

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THE POLITICAL THEORIES OF MODERN RELIGIOUS PACIFISM

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Almost every age in human history has developed philosophies of ethical and political pacifism which endeavor to treat in their own peculiar way questions raised by the realities of power and violence in human politics. The modern age being no exception, this essay has for its purpose an examination of the conceptions held by two major schools of pacifism in the political thought of the twentieth century. Although their philosophies are closely akin, they are yet sufficiently dissimilar in context and approach to justify separate treatment. With roots deep in the historic soil of past philosophies of non-violence, the twentieth-century interpretations yet strike a note of their own and pose in sharp form some of the most troublesome problems of modern politics.

I

The first is Hindu pacifism. At its heart is Hindu religious philosophy, which holds to the conception of a world in which individuals are separated from the whole, or from God. Desire and lust after the things of the world constantly keep men from losing themselves in the Reality which this world tends to hide or make obscure. The universe is dualistic: the material is evil, the non-material, or spiritual, good.

Hence there runs through all Hindu belief the idea that the flesh should be cast aside for the spirit. Release from the bondage of the body, material as it is, ought to be the central ideal; for in casting out that slavery, desire itself is thrown away, thus breaking the fatal chain into which the soul is forced when once it becomes incarnate.

Incarnation is a punishment for past offenses or a necessary preparation for future advance. Souls are incarnated or reincarnated in accordance with their *Karma*, or predestining deeds, of a previous existence; and the guise of the incarnation will be directly dependent upon the nature of those actions. Whether Indian philosophy takes the form of Hinduism or of Buddhism, it provides for an intimate connection, in the shape of soul-substance, among all forms of life. All embodied spirits are alike condemned to

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suffer the bondage of the flesh, and thus all alike have at least one element in common. Ethically, this becomes translated in the form of a command which asks that we so act as to cause the least possible rift or disturbance to this soul-substance binding together the world of those spirits who are so unfortunate as to suffer the pangs and hardships of incarnation.

It is at this point that the conception of violence enters the picture. For both Hinduism and Buddhism, violence is the creation of a disturbance in the structure of that soul-substance which is the common heritage of all life. It is any act which tends to accentuate the separateness of one soul from another—and from the God to which souls are seeking to return—a separateness which is inevitable within the realm of material incarnation, but which has to be resisted.[1]

Out of these views of the universe, the most eminent expounder of Hindu pacifism, Mohandas K. Gandhi, has developed his political theory. Its genesis will be found in his remarkable autobiography,[2] but we are interested here, not so much in how he came to hold what he does, but in the elements of the theory itself. It may be said to involve (1) a philosophy of history, (2) a theory of revolution, and (3) a doctrine of the ideal state.

To Gandhi, history is "an interruption of the course of Nature."[3] Here Nature—the active manifestation of God in human history—is looked upon as operating or acting through what Gandhi, following many ancient Hindu texts, calls soul-force. God, through Nature, endeavors to attract man to the Truth, which, once seen, is always embraced; but God can act only through the principle of *ahimsa,* which Gandhi identifies with non-violence or love. Truth, and hence God, can engulf men only when the divine method is utilized for its discovery. "*Ahimsa and satya* [truth] must always go together."[4] Human history is the record of man's rebellion

[1] The literature of Hinduism in English is growing. One of the most convenient collections is that found in Robert O. Ballon (ed.), *The Bible of the World* (New York: Viking, 1939). See also Paul Carus, *The Gospel of Buddha* (Chicago: Open Court, 1905). Of the Hindu scriptures themselves, the Upanishads as a whole, and especially the Brihadaranyaka Upanishad, are valuable. The Garunda Purana, Chaps. CXIII and CXV, casts a flood of light on these questions. Sankaracharya's *Atma Bodha* and the *Yoga Sutras* of Patanjali are also helpful.

[2] *Studies in My Experiments with Truth* (2 vols., Allahabad, 1927).

[3] C. F. Andrews, *Mahatma Gandhi at Work* (London: George Allen and Unwin, 1931), p. 310—a selection from Gandhi's *Hind Swaraj.*

[4] *Mahatma Gandhi at Work,* p. 123.

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against this immutable fact. When the search for truth is coupled with *ahimsa*, it is rarely recorded. Only when pursued in companionship with its antithesis, violence, does the endeavor find lodgment in the pages of history. Historical politics negate Nature and God, and are thus found worthy of note, while actions which couple *ahimsa* with *satya* are buried beneath the *himsa*-ridden politics.

Gandhi is not entirely clear how *ahimsa* can be recognized in terms of concrete action. To say that it is the principle of nonviolence, he recognizes, merely shifts the question to an inquiry into the meaning of violence. Moreover, he admits that, while Nature presumably works as the agent of God through *ahimsa*, spirits bound to the body must be violent despite their recognition of the contrary principle. "All life in the flesh," he agrees, "exists by some violence. . . . The world is bound in a chain of destruction. In other words, violence is an inherent necessity for life in the body."[5] Violence is the will to life; and the problem is how to thwart that will in order to approximate the divine tactic of action solely through the principle of *ahimsa*.

Thus man finds himself called to use the pure means of *ahimsa* as the sole avenue to truth, and hence to an obliteration of his separateness; and yet he discovers himself imprisoned—bound by an iron law to an existence in which he cannot live without parasitism and coercion. It is as though Truth were mocking him.

It is at this point that the Gandhian theory of politics, as such, is developed. It centers largely around means or methods of injecting the maximum degree of *ahimsa* into the power struggles of men. Unlike Tolstoy, and many others in the Christian pacifist tradition, Gandhi is not an anarchist. Political organization is essential for the coördination of community life. But the coercive element in that government must cease to be what Gandhi calls "body-force" and become "soul-force." There must be a "living faith" in the superiority of soul to body.[6]

This faith becomes embodied in the political theory of *satyagraha*—"firmness in truth"—and in the organization and discipline of the *satyagrahis* who follow its leadership. But few revolutionists have been able to avoid the conception of an élite class initiating the change. Lenin with his vanguard of the working-class and Wells with his *samurai*[7] are followed by Gandhi with his *satyagrahis*.

[5] C. F. Andrews, *Mahatma Gandhi's Ideas* (London: George Allen and Unwin, 1930), p. 138. [6] *Ibid.*, pp. 193–194.

[7] H. G. Wells, *A Modern Utopia* (New York: Scribner, 1905).

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They are carefully trained and disciplined warriors in the cause of truth. Thoroughly impregnated with the doctrine of *ahimsa* until it becomes a part of the warp and woof of his life, the *satyagrahi* learns to oppose only soul-force to body-force. He scorns to use the latter, for he understands that it negatives Nature and Nature's God. Soul-force, on the other hand, imparts to the *satyagrahi* a sense of invincibility. By abstaining from the use of political lies, assassinations, war, and violent revolt, he enhances his chances of success. Soul-force by its very nature attracts others to the political standards of its users, and its effectiveness is thus cumulative.[8]

The principle of *ahimsa* ensures the *satyagrahi* against the creation of a situation in which it will be impossible more nearly to approach truth through debate and discussion. For by refusing to countenance the use of body-force, the intellect remains free of hatred and the corruption inevitably following upon the utilization of violence. The principle of *ahimsa*, on the contrary, whether it take the form of war, verbal distortion, or revolutionary violence, can only tend to close the channels through which truth can be pursued. The *satyagrahi* acts in politics *as if* his opponent could be trusted; and in so doing eventually evokes a response which will prove that his assumption was valid.

How translate the idea of *ahimsa* into the arena of political action? Here Gandhi rephrases an old democratic dogma. For Jefferson's doctrine that only those governments are legitimate which depend for their authority upon the consent of the governed, Gandhi substitutes the assertion that government of any kind is *impossible* without the consent of those to be ruled. "In politics," as Gandhi puts it, " . . . government of the people is possible only so long as they consent either consciously or unconsciously to be governed."[9]

Ultimately, then, soul-force implies non-violent mass refusal of obedience to the powers that be. In the area of immediate action, it operates in a crisis through voluntary acceptance of suffering by the *satyagrahis*. When divisions between rulers and ruled, or be-

[8] *Mahatma Gandhi at Work*, p. 249.

[9] *Mahatma Gandhi's Ideas*, p. 198. Cf. Anselm Bellegarrigue, the nineteenth-century French radical, who, arguing in like manner, remarked: "In the end, there are no tyrants, only slaves." Quoted in Barthélemy de Ligt, *The Conquest of Violence* (New York: Dutton, 1938), p. 109.

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tween separate political entities, occur, the tactic is first of all to propose negotiation and, that failing, in the end to refuse obedience. This refusal has for its purpose, not unilateral triumph on the part of the *satyagrahis*, but rather the creation of a situation in which discussion can take place. The true *satyagrahi* will willingly receive the blows of his opponents, be they police or soldiers. He will cheerfully bear the penalties of failure to pay taxes and hold office. Economically, he will be sustained by his ascetic diet and manner of living and by the contributions of sympathizers. Meanwhile, he will make his demands perfectly clear and leave not a shadow of a doubt about his program.[10]

There will be growing up within the *satyagrahi* organizations, in the meantime, an internal government, with functional relationships of command and subordination. Inherent in Gandhian pacifism is the active rôle played by the democratic idea: "Self-reliance is the order of the day. No one has to look expectantly at another, and there are no leaders and hence no followers. The death of a fighter, however eminent, makes not for slackness but, on the other hand, intensifies the struggle."[11]

In fact, the governance of the *satyagrahis* constitutes the direction of affairs substituted for the violent power-group opposed. When this latter organization dissolves, due to the penetration of soul-force, the new politics take its place. Power becomes subordinate to principle as and because the body and its force are subordinate to the soul and its coercion.

The state transformed through *satyagraha* and made politically in the image of the principle of *ahimsa* would differ considerably from the modern order. The military would be eliminated, and the police in their present form. Much machinery would have to go in accordance with Gandhi's principle of *swadeshi*, or relative economic self-sufficiency. Gandhi is distrustful of a high degree of centralization in either economics or politics—for centralization is

[10] For a detailed account of the practical implications of Gandhi's political theory, see Krishnalal Shridharani, *War without Violence* (New York: Harcourt Brace, 1939). Romain Rolland, *Mahatma Gandhi: The Man Who Became One with the Universal Being* (London: Swarthmore, 1924); C. F. Andrews (ed.), *Speeches and Writings of M. K. Gandhi* (Madras: Natesan, 1918); Glorney Bolton, *The Tragedy of Gandhi* (London: George Allen and Unwin, 1932); and Haridas T. Mazumdar, *Gandhi versus the Empire* (New York: Universal, 1932), and *The United Nations of the World* (New York: Universal, 1942), might also be consulted.

[11] *Mahatma Gandhi at Work*, p. 253.

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inevitably associated with the principle of violence. Smaller political units constitute the basis for a genuinely democratic and nonviolent order.

Gandhi has been much criticized on the ground that he is an enemy of progress—particularly for his attack on machinery and industrialization.[12] Some have attempted to defend him by alleging that his emphasis on a primitive agricultural and decentralized economy is a temporary expedient to facilitate immediate political objects. It is difficult to agree with that assertion. A machineless economy is his ideal, and his theory cannot be understood in the absence of it. "Ideally," he once said, "I would rule out all machinery, even as I would reject this very body, which is not helpful to salvation, and seek the absolute liberation of the soul. From that point of view, I would reject all machinery; but machines will remain, because, like the body, they are inevitable."[13]

But the state of the Gandhian visions—machineless, or largely so, coercionless (at least in the old sense of that term), and without violence—is not an end. Unlike so many theorists of liberal progress, who have assumed that they understood the end of the historical process, Gandhi confesses that he is without knowledge of the end in a distant and political sense. He is concerned with means. To concentrate on remote ends is to place the politics of *himsa* uppermost. "Mankind is only able to utilize the means," he once said, "the ultimate end is beyond us. As soon as we think we have achieved one end, another arises. So all we are concerned with here are the simple means of life, the primal necessities; the rest we leave in the hands of God."[14]

II

All theories of Christian pacifism[15] emanate from a certain emphasis on the character of God and from an interpretation of the

[12] And by several of those most intimately associated with him. See, for example, Jawaharlal Nehru, *Toward Freedom* (New York: John Day, 1941), pp. 313–323. Prominent critics of the pacifist argument have also commented in the same vein. See John Lewis, *The Case Against Pacifism* (London: George Allen and Unwin, 1941), pp. 99–101. [13] *Mahatma Gandhi's Ideas*, pp. 341–342. [14] *Ibid.*, p. 115.

[15] This is not an historical essay, but it might be well to point out that certain of the political doctrines of Christian pacifism are as old as Christianity itself. They were prominent, if not dominant, in the political thinking of the first century and a half of the Christian Church. Consult Ernst Troeltsch, *The Social Teaching of the Christian Churches* (New York: Macmillan, 1931); C. J. Cadoux, *The Early Church and the World* (Edinburgh: T. and T. Clark, 1925); the works of Adolf Harnack, especially his *Militia Christi, die christliche Religion und der Soldatenstand in den ersten drei Jahrhunderten* (Tübingen: 1905); and Umphrey Lee, *The Historic Church*

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manner in which the Divine Being manifests Himself in history. The character of God is determined by the view presented in the New Testament. He is a God of love, one whose will is bent upon inducing men to return to Him. He is a God concerned with the suffering of the whole world. He is a Father, and the human race constitute his children.

In so far as man is capable of contributing to his own salvation—and his ability is limited, because his freedom of will, although real, is restricted—it is by imitating the works and spirit of the man who most nearly reflects the divine character—Jesus Christ. In imitating him, the truth can be discovered. The problem, then, is to create those conditions in which discovery of the truth may be facilitated and to discourage and repudiate all situations in which, the *imitatio Christi* being taken as the criterion, the truth will be obscured or blotted out.

What are those favorable conditions? They involve for the Christian pacifist two emphases: (1) the individual character of the revolutionist and the means he is to utilize; and (2) the social and political character of the revolution. Meekness and purity in heart are seen as the chief characteristics of the individual revolutionist, but out of these qualities grow many others. Revolutionists must renounce great wealth, for it is corrupting and an act of violence against fellow-men and God. Finally, physical violence must be completely repudiated. "They that take the sword must perish with the sword" is seen to be a statement of simple cause and effect. It is to be interpreted, contends a leading Christian pacifist,[16] as a warning that the will to power always defeats itself. As means, power is in its proper position; but unsubordinated to val-

and Modern Pacifism (Nashville: Abingdon-Cokesbury, 1943). On the political theories of the pacifist Anabaptists in early modern times, see E. Belfort Bax, *Rise and Fall of the Anabaptists* (London: Macmillan, 1905). The implications of Quaker social and political ideas are treated in Benjamin F. Trueblood, *The Development of the Peace Idea* (Boston, 1932).

The best treatment of the modern history of Christian pacifist ideas will be found in Devere Allen, *The Fight for Peace* (New York: Macmillan, 1930). On the origins of the Fellowship of Reconciliation, perhaps the outstanding religious pacifist movement, aside from bodies like the Friends, Brethren, and Mennonites, see Richard Roberts, "How the Fellowship Began," *Fellowship* (Journal of the Fellowship of Reconciliation), IX, No. 1, Jan., 1943, pp. 3–5.

Catholic pacifism, based upon the application of historic Catholic teaching to problems of modern politics, is best reflected in such organizations as the English Pax society, and in the Catholic Worker movement in the United States, which publishes *The Catholic Worker*.

[16] A. J. Muste, *Non-Violence in an Aggressive World* (New York: Harper, 1940).

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ues outside itself, it becomes wholly destructive, even turning upon those who are ostensibly its master.

Socially and politically, the divine order is to be realized here in this world through utilization of a type of power which has a positive relation to the end to be attained.[17] That end is the establishment of freedom and equality. The ethics of the New Testament do not repudiate the goal of a political community here on earth, but rather renounce the conventional means for its achievement.[18]

History, for the Christian pacifist, is the record of man's search for the Kingdom of God by means which, in the first place, vitiate the end, and, in the second, turn in upon themselves and destroy those societies which use them. God moved in Hebrew history when He punished Israel by means of Assyria and Assyria through Babylon. In each case, those states which fell did so because their own will to power provoked the divine wrath. In similar fashion, God acts in non-Hebrew history. The schemes of Richelieu, covered or glossed as proposals for the pacification of Europe, were disguises for the will to power in the French state and its rulers. Not only was the avowed intention not achieved, but the will to power was inverted. France was stripped of its possessions in the eighteenth century, the internally consolidated monarchy of Louis XIV and Louis XV was overthrown under Louis XVI, and the Jacobins, having attained and acquired a will to power, set in motion and perpetuated a system of destructive violence whose end has not yet been seen in Europe and the world.[19]

That God continues to work in this manner is the contention of all Christian pacifist literature. The will to power of the victors seemed to be satisfied, however imperfectly, after the first World War; but because neither victor nor vanquished, particularly the former, utilized the period after the war for a repudiation of that will—a repudiation which Christian theology terms repentance—

[17] G. H. C. MacGregor, *The New Testament Basis of Pacifism* (New York: The Fellowship of Reconciliation, 1940), p. 55.

[18] Umphrey Lee quite rightly points out that modern Christian pacifism is in no small degree the fruit of a theology which tends to emphasize social and political questions, as contrasted with problems of individual salvation. Such a view would admit the historical rôle of Friends, Mennonites, Brethren, and other pacifist bodies, but would contend that the political emphasis of modern pacifism is more largely due to the social and political interpretation given to New Testament teaching by proponents of the Social Gospel like Walter Rauschenbusch. Lee, *The Historic Church and Modern Pacifism*, Chaps. VIII and IX.

[19] Aldous Huxley, *Grey Eminence* (New York: Harper, 1941).

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there came a second conflict in which the victors of the first were punished and their will frustrated. Modern politics become one aspect of the educational endeavor carried on by the Divine Being to teach man that he cannot possibly attain the Kingdom of God by means contrary to the divine nature as revealed in the New Testament.

Out of this Christian pacifist philosophy of history emerges a theory of the state. Here there have been two main lines of thought. The first is anarchistic pacifism, whose prime exemplar in modern times was Leo Tolstoy. To Tolstoy, in his language, "the words 'a Christian State' resemble the words 'hot ice.' The thing is either not a State using violence, or it is not Christian."[20] Armies, navies, property, the judicial system, police, law, voting—all are devices to perpetuate a world where the essential canons of the Gospel are contradicted. The politics of Tolstoy are, in fact, those of an ascetic Christianity which seeks an escape from power-struggles altogether. "One generation after another," he declares at one point, "strives to find the security of its existence in violence, and by violence to protect its privileges. We believe that the happiness of our life is in power, and domination, and abundance of worldly goods."[21]

Tolstoy's principles of non-violence take him much farther than do those of Gandhi. There is less of humor in the former than in the latter—less disposition to relieve the tension by laughter when the point is inevitably reached where to push the principle of non-violence farther would itself generate violence; less inclination to see with a twinkle the fact, as Gandhi understands it, that every breath of life involves in a measure an act of violence.[22] A non-violent ethic implies for Tolstoy, not only a repudiation by the individual of politics and the state, but also what has come to be called civilization. The true Christian must refuse service on juries, in the police, in the army and navy, in courts of justice, and in legislative bodies. Personally, he must be chaste; he must eat no

[20] "Church and State," *Essays, Letters, Miscellanies*, in *Works* (New York: Charles Scribner's Sons, 1929), Pt. I, p. 150.

[21] *My Religion* (New York: Crowell, 1885), p. 196.

[22] For an instructive analysis of the relationship between Tolstoy and Gandhi, see Milam I. Markovitch, *Tolstoi et Gandhi* (Paris: H. Champion, 1928). Throughout most of Tolstoy's later works, his philosophy of politics is more or less explicit. But see especially his *Christianity and Patriotism* (Chicago: Open Court, 1905) and his novel *Resurrection*.

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meat, lest he do violence to animal life; and he must give up his possessions. If nominal Christians would act in this manner, the state would collapse, and with the state would go all impediments to the establishment of the Kingdom of God.

But the main stream of Christian pacifist thought has not merged with Tolstoyan anarchy. It may prefer at times, with Aldous Huxley, to sit on the edge of the political area,[23] lest its ends be corrupted by the violence inherent in the politics of this world. At times, indeed, it skirts amazingly close to Tolstoy's position—for all pacifist doctrines are anti-authoritarian. But for the most part it attempts to steer clear of anarchism.

The dominant schools of Christian pacifism, in their doctrine of the state, have been concerned with (1) the problem of discriminating between the mere use of power and the will to power; (2) the technique of transforming a non-pacifist political order into one approved by the Christian pacifist ethic; and (3) the nature of a state based upon pacifist principles.

Answers to the first question vary. MacGregor, for example, endeavors to make a distinction between "redemptive" and "non-redemptive" power.[24] Some means by their nature are capable of control in the interest of ethically approved ends, and hence constitute "redeeming" power because they enable one to progress from one order of being to a higher realm. Such are the surgeon's knife and some part of the discipline characteristic of the home. Other power, however, is "non-redeeming"—and in this category fall many of the types of power characteristic of politics. The naked force of war, for instance, is always to be condemned. Because of its character, it is uncontrollable, even by men of good will: instead, when used as a device for the attainment of good ends, it always produces its own end, which is simple power unconnected with ulterior values.

The most elaborate attempt to desiderate a sharp contrast between power and the will to power has been made by Professor Cadoux.[25] The problem for him is to make clear what is involved in the terms "force" and "violence." He prefers to use "pressure" in the place of "force," maintaining that it is less ambiguous and has fewer emotional overtones. Pressure, then, covers "all methods

[23] *Grey Eminence.*

[24] G. H. C. MacGregor, *The New Testament Basis of Pacifism.*

[25] C. J. Cadoux, *Christian Pacifism Re-examined* (London: Blackwell, 1940), especially Chap. II.

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whereby we endeavor to cause our neighbor to act or refrain in a certain way."[26] Cadoux further maintains that pressure may be either non-coercive or coercive, and that within the latter category, one can discern two sub-types—injurious and non-injurious. It is only injurious coercive pressure which is absolutely forbidden by the New Testament ethics—namely, "cruel punishment, violent assault, casual or incidental homicide, torture, mutilation, and wilful murder; . . . the police truncheon, prolonged imprisonment, the cat, capital punishment, armed rebellion, war, medieval persecution, oriental penalties, and gratuitous massacre."[27] These methods without exception evoke that will to power always present and dramatically evident in the history of human politics. Along some such lines most of the apologists for Christian pacifism seek to develop their thesis.[28] And this latter statement would include even those individualists in the stream of Christian pacifism, Aldous Huxley and Gerald Heard. Both profoundly influenced by Christian and other mystics, the former associates the "will to power" with the absence of "non-attachment" in the individual;[29] while the latter identifies it with a "mechanomorphism"—that is, a mechanistic—cosmology.[30]

Assuming, then, a real distinction between the utilization of power and the will to power, what theory of social and political action does Christian pacifism develop? This is a difficult problem for pacifist theorists, and it can hardly be claimed that they have solved it with entire satisfaction. Committed by their philosophy to the achievement of the Kingdom of God on earth, yet fearful that conventional politics will so distort the end as to swallow it in the means, pacifist theories of action run the risk, on the one hand, of an escapism which, to keep the end pure, would depart from the very society needing redemption, thus defeating their own end in the result;[31] or, on the other, of an insidious assimilation, for the sake of

[26] *Ibid.*, p. 15. [27] *Ibid.*, p. 45

[28] See Richard Gregg, *The Power of Non-Violence* (Philadelphia: Lippincott, 1935); A. J. Muste, *Non-Violence in an Aggressive World;* and John Haynes Holmes, *Out of Darkness* (New York: Harper, 1942). See also the various works of Kirby Page, *e.g.*, Sherwood Eddy and Kirby Page, *The Abolition of War* (New York: Doran, 1924).

[29] *Ends and Means: An Enquiry Into the Nature of Ideals and into the Methods Employed for their Realization* (New York: Harper, 1937).

[30] *The Third Morality* (New York: Morrow, 1937), pp. 148–149.

[31] Certainly this was the logic implicit in the political and social theories of monasticism and in the doctrines of such medieval Christian sects as the Cathari (Albigensi). Nor is this idea absent from groups like the Mennonites.

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greater political effectiveness, by a politics which repudiates the creed of non-violence.

On the whole, pacifist literature would agree with Aldous Huxley that "good is a product of the ethical and spiritual artistry of individuals. It cannot be mass-produced."[32] Any successful political revolution, he continues, must be led by "theocentric" saints, who are developed only after a severe regimen which will submerge their will to power and rigidly prohibit any means which might bring it to the surface once more.

Training for those who are to constitute the vanguard of the non-violent army must include an emphasis on the mystic consciousness of God.[33] Any revolutionary planning requires discipline. Many pacifists tend to be vegetarians, the belief being based either upon the general doctrine of non-violence in relation to all life or upon the contention that a non-protein diet aids in developing what Gerald Heard calls "the reflective controlled," as contrasted with "the impulsive and impatient," type of personality.[34] Particular emphasis is given by some—just as in Hindu pacifism—to manual training as a disciplinary device.[35] Among other reasons, such training will enable the pacifist to identify himself with all sections of the community, particularly the poor and dispossessed.

Much modern Christian pacifism conceives of itself as essentially a rebel movement—one whose aim is to shake the modern state to its very foundation.[36] Ultimately, its ideology entails, if necessary, organized civil disobedience and non-coöperation as methods alike of preventing future war and of overthrowing those who control and dominate the modern state. The conceptual foundations of authority within its own traditions, found in the thirteenth chapter of Romans, do not disturb it. Pacifists interpret St. Paul's

[32] *Grey Eminence*, p. 303.

[33] Note particularly Gerald Heard, *The Third Morality* and *Pain, Sex, and Time* (New York: Harper, 1939); Aldous Huxley, *Ends and Means, Eyeless in Gaza* (New York: Harper, 1936), and *Grey Eminence;* and the publications of the Fellowship of Reconciliation. The Fellowship publishes *Fellowship* in the United States and *The Christian Pacifist* in Great Britain. Contentions of like character will be found in *Peace News*, the periodical publication of the Peace Pledge Union in Great Britain and in the American *Catholic Worker*, published in New York.

[34] *The Third Morality*, p. 277.

[35] Richard Gregg, *A Discipline for Non-Violence* (Pendle Hill Pamphlet No. 11, Wallingford, Pa.: 1942).

[36] This statement, of course, would not embrace the more quietistic elements in the pacifist tradition—some segments of the "historic peace churches," for example.

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words admonishing all souls to obey the "powers that be" as making the principle of "ordered government for the protection of justice" a divine ordinance;[37] but when particular governments promote disorder, as in much modern politics, the divine ordinance requires widespread and organized disobedience—virtually a saintled general strike.

Non-violence is powerful precisely because it discards the usual methods of politics and resorts to the unexpected. The opposing political forces expect retaliation in kind, and are prepared to meet it in the usual way. When, however, they discover only non-violent opposition, they are rendered powerless primarily because they are unprepared to meet such tactics. "Moral jiu-jitsu," as Gregg[38] calls it, might, for example, surprise, and hence convert, the enemy by feeding him. Or it might attract political support by mass suffering, voluntarily accepted. In the ideology of Christian, as in that of Hindu pacifism, in fact, a large place is given to the rôle of mass suffering. Refusals, at personal sacrifice, to make war; wholesale jail-going; patient endurance of persecution without retaliation—these constitute the raw materials of passive and non-violent resistance.

What kind of a state does Christian pacifism envisage? Above all, it is a state impregnated with the conception of decentralization. Small-scale politics can be "moral," large-scale almost never.[39] Social reform is the product of small group action. In Hindu and Christian pacifist thinking alike, there is a strong criticism and suspicion of the machine age and the whole ideology associated with a technological civilization. Complementing this tendency is the advocacy of an agrarian or semi-agrarian economy. Class exploitation and the proliferation of violence are looked upon as characteristic of urban civilization. "It is one of the startling facts of a city's idea of order," one pacifist has written, "that it places . . . policemen at the doors of banks to protect them from the people

[37] MacGregor, *The New Testament Basis of Pacifism*, p. 118.

[38] *The Power of Non-Violence*, Chap. II. "The art of jiu-jitsu is based on a knowledge of balance and how to disturb it. In a struggle of moral jiu-jitsu the moral balance seems to depend upon the qualities of one's relationship to moral truth. Hence part of the superior power of the non-violent resister seems to lie in the nature of his character" (p. 51).

[39] This argument is, of course, a restatement, within the pacifist assumptions, of Reinhold Niebuhr's thesis in *Moral Man and Immoral Society* (New York: Scribner, 1932).

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when a right order should have the policemen at the doors of poor persons to protect them from the banks."[40] Political and social salvation alike, then, depend upon that large measure of individual security and social harmony which only a vigorous agrarianism can bring. The fundamental basis of the pacifist state must be the small community, and the world becomes a federation of small communities.

Huxley has perhaps expressed best the essential problem of a pacifist politic: "The art of what may be called 'goodness politics' as opposed to power politics," he has written, "is the art of organizing on a large scale without sacrificing the ethical values which emerge only among individuals and small groups. More specifically, it is the art of combining decentralization of government and industry, local and functional autonomy, and smallness of administrative units with enough over-all efficiency to guarantee the smooth running of the federated whole."[41]

III

Hindu and Christian pacifism differ most at the point of theological assumptions. The former is dualistic: evil is associated with the body, good with spirit. Life, and therefore politics, becomes a struggle between the two principles. Right action, then, is an endeavor to utilize the principle of spirit, soul-force, to the exclusion of the body principle, or body-force. Modern Christian pacifism, in contrast, roots in assumptions which for the most part repudiate dualism. Spirit is not necessarily "good"—it may be captured by pride—nor is the body necessarily evil. Christian pacifism on the whole discovers its basis for the utter repudiation of violence, not in the contrast between soul-force and body-force, but rather in the confinement of each within its own proper and legitimate sphere. Thus there is always a genuine air of reluctance in Gandhi's recognition of the inevitability of the body, body-force, and machinery; while the problem of Christian pacifism is not to question the possible goodness of both body and spirit, but rather to discover the area divinely prescribed for the operation of each. On the political level, in the end, Hindu and Christian pacifism tend to approach each other, despite a rather sharp divergence in their original assumptions. Thus the former is forced to admit the im-

[40] Arthur Sheehan, in *The Catholic Worker*, Jan., 1943, p. 8.
[41] *Grey Eminence*, p. 312.

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possibility of eliminating the body, and all that it connotes, without violating the very principles of non-violence which it discovers at the heart of the universe; while the latter is constrained to recognize the close connection between violence and sensuality. The former, while maintaining the goodness of spirit, is yet compelled to assent to the assertion that incarnated spirits can be corrupted and fall into the error of pride which, equally with sensuality, is associated with violence.

Modern religious pacifism is united in its emphasis on the ends-means problem in politics. With Machiavelli, it argues that if power be the end, war, deliberate lying and distortion of truth, and public hypocrisy are the appropriate means. But religious pacifism has been more concerned with the obverse of the Florentine's maxim: if values other than power be the end, war, deliberate lying and distortion of truth, and public hypocrisy can never be the appropriate means, even in the negative sense of preventing evils allegedly worse.

The second major argument of modern pacifism has been its statement of the case against a centralized politic. Maintaining that there is a close positive connection between centralization and a technological civilization, on the one hand, and the ubiquity of violence, on the other, it becomes a part of that considerable stream of modern speculation which questions the possibility of reconciling the contemporary centralizing state and economic order with a régime of peace and individual security. It endeavors to resolve the conflict by enunciating the moral obligation of non-violence, and the political duty, at times, of non-violent resistance to the present scheme of things. While other prognostications of the brave new world look forward to federation of national states within the framework of either a capitalist or socialist industrial order, it envisions simultaneous decentralization and federation in politics within a broad scheme of quasi-agrarianism in economic organization.[42]

[42] This essay does not purport to examine the political theories of pacifism critically. But it might be remarked that there is an amazing absence of scholarly criticism. See, however, Reinhold Niebuhr, *Reflections on the End of an Era* (New York: Scribner, 1934), *Christianity and Power Politics* (New York: Scribner, 1940), and *The Nature and Destiny of Man*, 2 vols. (New York: Scribner, 1941 and 1943); John Lewis, *The Case Against Pacifism* (London: George Allen and Unwin, 1940); K. S. Shelvankar, *Ends Are Means; A Critique of Social Values* (London: Lindsay Drummond, 1938); and Max Lerner, *Ideas for the Ice Age* (New York: Viking, 1941)

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In a certain sense, Christian and Hindu pacifism alike are pessimistic. The apocalyptic element is far less emphasized than in Marxist theory. Pacifism is more nearly rooted in the idea of the unregenerate, or natural, man; and while it believes that it has discovered a method for regenerating the unregenerate—even in politics, the area in which immorality is greatest—it is not oversanguine. Reborn men can and do lapse, and hence the possibility of coercion, violence, and inequality will remain in human society. While a politics more nearly in accord with Christian pacifist ethics is possible, it, too, will be subject to the seeds of decay and corruption. With the persistence of struggles, with the presence, in embryonic form, of coercion and inequality, the utmost mankind can do is to recognize the limitations of politics, and yet call the political order to account continuously by means of a few devoted souls organized to use non-violent direct action. The Kingdom of God comes, but in a large sense it is an act of grace and not the just wage of mortal man.

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AMERICAN GOVERNMENT AND POLITICS

THE T. V. A. AND INTER-GOVERNMENTAL RELATIONS

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The development of the public power program in the Tennessee Valley area has had marked effects on inter-governmental relations, in some cases creating new relationships and in other cases modifying those already existing. Many of these relations concern coöperative activities of the T. V. A. and the state and local governments,[1] and the results of their joint endeavors have done much to expand and improve governmental services. In its relations with the local governments, the Authority has consistently followed the policy of depending on their coöperative efforts to achieve the social and economic development of the Valley without attempting to impose its will on them. "The rôles of the states, and of cities, counties, districts, and voluntary associations within the states, are enhanced, not diminished, in importance, by this recognition of interest and jurisdiction. Coöperation, not destructive competition; Federal responsibility in Federal and interstate matters, with local initiative and self-reliance in matters of a local nature—these are policies by which the development of the Valley is being and should continue to be guided."[2] These principles have not always been appreciated by the local units, however, and their occasional unwillingness to assume responsibilities or to fulfil obligations to each other have presented problems that have tended to hinder the most successful conduct of the public ownership program. In fact, the readjustments in inter-governmental relations that have sometimes been necessitated, especially in connection with the power program and the resulting loss of taxes, have in some instances been accompanied by painful and significant friction.

I. COUNTY-FEDERAL RELATIONS

The Norris-Sparkman Amendment,[3] adopted in 1940 to provide for the replacement of taxes lost by the transfer of taxable private power

[1] For a list of some of the contracts providing for these activities, see the Independent Offices Appropriations Bill for 1941, *Hearings before the Subcommittee of the Committee on Appropriations*, House of Representatives, 76th Cong., 3rd Sess., Part 2, pp. 1692–1694. See also Lawrence L. Durisch, "Local Government and the T.V.A. Program," *Public Administration Review*, Vol. 1, No. 4, p. 326 (Summer, 1941), and Anon., "Relation of Federal Regional Authorities to State and Local Units," *Annals of the American Academy of Political and Social Science*, Vol. 207, p. 130 (Jan., 1940).

[2] *Annual Report of the Tennessee Valley Authority for the Fiscal Year Ended June 30, 1936*, pp. 1–2.

[3] Public Resolution—No. 88—76th Cong., 3rd Sess., Chap. 432, H. J. Res. 544, Sec. 39 (June 26, 1940).

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facilities to the T. V. A.,[4] is one of the most interesting instances of the expanding field of federal-local relations. Providing for payments in lieu of taxes directly to the counties, as well as to the states, the amendment modified the original T. V. A. Act of 1933,[5] which anticipated the future loss of taxes by the payment of sums only to the two states at first affected. Section 13 of the act provided that Tennessee should receive five per cent of the gross proceeds from hydro-electric power generated in the state, and Alabama a similar payment for power generated therein. Each state should receive two and one-half per cent for additional power generated in Alabama from water stored in Tennessee. The payments under the act, of which Alabama received the major portion,[6] provided compensation for the tax losses incurred on reservoir lands and transmission facilities acquired by the Authority.

The failure to make any specific provision for the counties also incurring losses was the major reason for the pressure on Congress in 1939 and 1940 to modify the original act. Instead of sharing the payments with the counties, the state governments retained the full amounts. In an effort to effect a distribution, the counties sponsored several bills in the legislatures that would prorate the payments between the states and counties on the basis of the amount of loss[7]—all to no avail. The refusal to share payments was probably more reprehensible on the part of Alabama, since the amount received considerably exceeded the state's loss.[8] Tennessee's failure to share its increasing federal payments or itself to provide aid made the situation of many counties acute when their very existence was threatened by the prospective loss of 30 to 40 per cent of their tax revenues upon the transfer to public ownership of the $78,600,000 Tennessee Electric Power Company in 1939.[9] The state attempted to

[4] For an analysis of the tax losses and a survey of the proposals for replacement, see Hershel L. Macon, "Payments in Lieu of State and Local Taxes," *Southern Economics Journal*, Vol. 8, pp. 493–503 (Apr., 1942); Lawrence L. Durisch and Hershel L. Macon, "Payments in Lieu of Taxes by the T.V.A." *Journal of Politics*, Vol. 3, pp. 318–334 (Aug., 1941); and A. T. Edelmann, "Public Ownership and Tax Replacement by the T.V.A.," in this REVIEW, Vol. 35, pp. 727–737 (Aug., 1941). Information on the operation of the Norris-Sparkman Amendment for the fiscal year ending June 30, 1942, is contained in the Tennessee Valley Authority Release of September 2, 1942. [5] 48 Stat. 58 (May 18, 1933).

[6] From 1933 through 1940, Alabama received a total of $577,607 and Tennessee, $381,504.

[7] *Nashville Tennessean*, Feb. 3, 1939, and *Montgomery Journal*, Apr. 27, 1940.

[8] The total annual loss in property taxes was estimated in 1939 to be $93,679, while the in lieu of tax payments were $141,802. This loss is analyzed in *Hearings before the Committee on Military Affairs*, House of Representatives, 76th Cong., 3rd Sess., on bills to amend the Tennessee Valley Authority Act of 1933, pp. 136–161 (1940).

[9] The contract effecting the transfer is given in the Independent Offices Appropriations Bill for 1941, *Hearings before the Subcommittee of the Committee on Appropriations, op. cit.*, p. 1668.

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justify its policy of refusing to distribute any part of the federal payments or to provide any assistance to the counties on the grounds of constitutional limitations, and construed its constitution to forbid any distribution to counties except on such arbitrary bases as population or assessed valuation. Since such a distribution would have no relation to the amount of loss incurred by the counties, the state urged Congress to increase the payments and transfer part directly to the counties, maintaining that effective state action was impossible.[10] This contention was questioned by many Congressmen, and was widely regarded as a subterfuge to relieve Tennessee of any responsibility for replacing the taxes. The attitude of the House Military Affairs Committee, conducting the hearings on the Norris-Sparkman Amendment, toward the governor and other representatives of Tennessee was especially critical of the state's position when its benefits from lower power rates, estimated at $8,000,000 a year, were compared with the county losses, less than one-tenth as much. Various proposals were made to force the state to assume what was considered by the Congressional committee to be its responsibility. Amending the state constitution was suggested to permit distribution of state aid on the basis of county losses, but the apparent unamendability of the constitution was declared to prohibit this.[11] Passage of necessary legislation and reliance on the courts to construe it liberally were also suggested, but the conservative temper of the court was offered as an insuperable barrier.[12]

Opposition to increasing the federal payments was so pronounced that the pleas of Tennessee would probably have been refused but for Congress' unwillingness to see local government in the state impaired or destroyed. The increasing payments under the original act, even if made entirely to the counties, would not be sufficient to replace all the losses for several years, during which time some of the counties would be confronted with a severe loss of revenue. Moreover, it was realized that criticism resulting from this loss would prove detrimental to the public power program.[13] Adoption of the Norris-Sparkman Amendment providing for the increase

[10] See the testimony of the governor of Tennessee, *Hearings before the Committee on Military Affairs, op. cit.*, pp. 19–92.

[11] See the remarks of Representatives Elston of Ohio and Kefauver of Tennessee, *Hearings before the Committee on Military Affairs, op. cit.*, p. 475. The Tennessee constitution of 1870 has never been amended, despite many efforts in that direction.

[12] See the remarks of Representatives May of Kentucky and Kefauver of Tennessee, *Hearings before the Committee on Military Affairs, op. cit.*, pp. 481–482.

[13] The *New York Herald-Tribune*, Apr. 2, 1939, declared that pending the Congressional appropriation necessary for the T.V.A. purchase of the Commonwealth and Southern properties, the $13,000,000,000 electric utility industry stopped attacking federal competition, believing that "unrestricted operation of government projects in one large area will uncover economic fallacies and generate strong sentiment in favor of private companies." It was believed that T.V.A. might "meet its Waterloo" in the growing demand for its replacing taxes.

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was urged for still other reasons. The original tax replacement measure did not apply to Mississippi, Georgia, North Carolina, and Kentucky, where losses were more recently resulting from the expansion of the T. V. A. program, and it was necessary to include them in the in lieu of tax payments. This was particularly appropriate since several of these states derived little or no offsetting benefits, as savings from lower electric rates, that might obligate the state governments to replace them. Furthermore, the apportionment between Tennessee and Alabama, based on the place of generation of power, resulted in Alabama's receiving the larger share, although the losses were mainly in Tennessee. However, many persons believed that these defects might be remedied for the most part by modification of the original measure, without any increase in the amount of payment. In fact, so strong was the opposition to increasing the payments that the House Military Affairs Committee refused to report the bill, and its passage was possible only in the form of a rider to the Emergency Relief Appropriation Act for 1941.

Although recognizing the expediency of providing assistance, many Congressmen were loath to establish a direct relationship between the Federal Government and the counties in a tax replacement measure. Senator Norris expressed the attitude of many in dismissing the request of the counties for payment directly to them. He said: "It would not be fair to expect the Federal Government to become involved in the intricacies of dividing up taxes among various local taxing units."[14] However, when county officials continued to insist either on payment to them or removal of T.V.A.'s tax immunity, the Senator withdrew his objections,[15] and the bill was amended to provide that the county losses should be replaced by direct payments. Although accepting the new relationship, Congressional sentiment was so opposed to any responsibility for state losses that it appeared that further federal payments might be made only to the counties.[16] This was held to be unfair to Alabama, however, where most of the property tax losses were incurred by the state, in contrast to Tennessee, whose losses were mainly attributable to the counties.[17] The heavy state loss in Alabama made it necessary that the state governments be included in the tax replacement provisions.

Aside from the requirement imposed by Congress that the payments be made in equal monthly installments, necessitating more bookkeeping on the part of T.V.A. but affording some check on the time of expenditure, no supervision or control is exercised over the local officers. The payments,

[14] *New York Times*, Dec. 9, 1939.

[15] *Memphis Press-Scimitar*, Feb. 24, 1940.

[16] Representative Rankin of Mississippi, advocating this, expressed the opinion of many. *Hearings before the Committee on Military Affairs, op. cit.*, p. 504.

[17] *Memphis Press-Scimitar*, Apr. 2, 1940.

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once made to the counties, are considered to have passed completely to local jurisdiction. Since some of the most flagrant financial abuses are found in the misconduct of county officers charged with the custody and expenditure of funds,[18] the question arises as to the propriety of some measure of supervision or control adequate to assure Congress that payments to the counties will be legitimately spent. Without this safeguard, there is no reason to assume that federal payments will be squandered to any less degree than are county revenues from other sources.[19] The local government of Tennessee, in particular, is liable to severe criticism for the many irregularities and defects in its financial administration. These are caused primarily by the failure of the state to establish a uniform system of county budgeting, accounting, and reporting, or even to require any system whatever.[20] To safeguard the interests of the Federal Government, it is likely that unless the states voluntarily correct county financial abuses, Congress will impose conditions on further payment that will assure reform. This problem will doubtless be fully considered in connection with the extensive T.V.A. report to be made to Congress by January 1, 1945, on the operation of the tax replacement provisions, which report has been characterized by the T.V.A. as fair warning to the states to clean house.

II. COUNTY-MUNICIPAL RELATIONS

Replacement of tax losses by federal payments made to the counties has removed the friction caused by the failure of the states to share their payments. Serious local resentment still exists, however, because of the failure of the state governments, with the exception of Kentucky,[21] to enact legislation requiring the municipal distribution systems to replace county taxes lost when the systems were transferred to public ownership. The total county and district ad valorem property taxes formerly levied on power properties acquired by the distribution systems was $663,418, divided as follows: Tennessee, $610,488; Mississippi, $27,876; Alabama, $18,037; Georgia, $6,846; and North Carolina, $171.[22] Of the Tennessee

[18] See annual reports of the Tennessee Taxpayers Association, especially the First Annual Report, pp. 38–41 (1937), and the Second Annual Report, pp. 3–17 (1938).

[19] Very incomplete audits have disclosed annual shortages of about $500,000 in accounts of local officers, and it is estimated that comprehensive audits would reveal shortages of well over $1,000,000 a year. *Memphis Commercial Appeal*, Nov. 20, 1940.

[20] The Cash Basis Act of 1937 does provide for state review and approval, as well as prescribed forms and procedures, of budgets for counties electing to come under the act. However, the voluntary feature of the act has greatly lessened its value. Chap. 300, *Public Acts of the State of Tennessee*, 1937.

[21] Chap. 18, *Acts of the General Assembly of the Commonwealth of Kentucky*, 1942.

[22] Tennessee Valley Authority Release, Sept. 2, 1942.

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loss, $57,497 was attributable to the coöperatives and $6,973 to the county-owned systems, both of which sums were replaced for the counties.[23] The balance represents taxes formerly collected from municipal systems, part of which is now being replaced by several cities under special legislative authorization.[24] About half of the 95 counties in Tennessee are affected in some measure, and while the losses of many counties are small, the losses of others constitute a sizable part of their tax revenues, deprivation of which has been keenly felt.

When the question of replacement arose before the systems were purchased by the municipalities, it was hardly considered a difficult problem. The contracts between the T.V.A. and the municipal systems provided that resale rates should be adequate to include in power revenues a sum sufficient to replace the county taxes, and representatives of the Authority, Senator Norris, and others assumed that the legislatures, certainly in Tennessee where most of the loss arose and most of the benefits were received, would act to require replacement.[25] Moreover, the Norris-Sparkman Amendment specifically states that it is "the intention of Congress that either the municipality or the state in which the municipality is situated shall provide for the proper distribution to the state and county of any portion of tax equivalent so collected by the municipality in lieu of state or county taxes upon any such distribution system or property." Despite this clearly imposed obligation, no state except Kentucky has enacted a general statute requiring the distribution of the tax equivalents which the cities are collecting but keeping for their own use.[26] The counties have made vigorous efforts to secure the adoption of legislation to correct this situation, but all attempts so far have been futile.

The fight in the 1941 session of the Tennessee legislature to require distribution was particularly bitter, and the tension between the counties and cities was reflected in the unusual activity of the County Judges Association and the Tennessee Municipal League. Two bills were introduced on behalf of the counties. The one introduced early in the session

[23] *Report on Tax Replacement Requirements in Tennessee, Necessitated by Sale of Private Electric Utility Property to Various Public Agencies*, Tennessee Tax Replacement Commission, by Stanley J. White and E. H. Eakle, Exhibit D., p. 16.

[24] The Knoxville and Nashville distribution systems were authorized by the acts creating them, Chaps. 106 and 262, *Private Acts of the State of Tennessee*, 1939, and the Chattanooga distribution system, by an amendment to its original act, Chap. 455, *loc. sit.*, 1941.

[25] Statements of H. A. Morgan, director of the T.V.A., and Senator Norris relative to the responsibility of the states are given in the *Knoxville Journal*, Aug. 1, 1939.

[26] The amount of taxes and tax equivalents collected by the distribution systems is given in *Municipalities (Electric Departments only) and Coöperatives Purchasing Power from Tennessee Valley Authority*, Financial Statements for the Fiscal Year Ended June 30, 1942, Exhibit 1, pp. 1–18.

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aroused the greatest opposition from the cities and finally died in the steering committee. Its opponents, led by the League, asserted that the bill was discriminatory because it exempted those municipally-owned systems established before the advent of the T.V.A. and using the profits from power to defray the general costs of government, a practice forbidden by T. V. A. contracts.[27] Another objection concerned the valuation of the systems for assessment purposes by the Railroad and Public Utilities Commission on the same basis that private companies were valued. This was declared by the cities to be merely an "arbitration" proceeding, in contrast to the "scientific basis" followed in the T.V.A. contracts, whereby actual physical valuation of property was averaged with the cost of reproduction, less depreciation.[28] The real objection to the bill under consideration or any similar measure, however, was the belief of the Tennessee Municipal League that tax replacement should be on a purely voluntary basis, and should be observed after and if all other charges as debt service, operating expenses, and the like, were met.[29] Equally basic is the belief that the transfer of tax equivalents should be conditional on a general redistribution of the tax burdens between city and county governments, long a serious contention. After the failure of the first bill, another was introduced near the end of the session meeting most of the criticisms interposed by the cities;[30] but it was forgotten in the rush of adjournment.

Failing in their efforts to enact a general law requiring the distribution systems to replace county tax losses, the counties most concerned will probably resort to special legislation permitting them to tax the systems operating within their borders. White county led the way by securing adoption of a local bill giving it such authority in the 1943 session. Approval was secured by overriding the governor's veto in an almost completely administration-dominated session.[31]

The friction between the counties and the cities of Tennessee resulting from the willful violation of the expressed intention of Congress is a matter of much concern to the Federal Government. Unless the issue is satisfactorily solved, Congress may be called on to increase the payments to the counties sufficiently to cover tax losses for which the distribution systems are unquestionably responsible, and this would jeopardize the whole tax replacement policy. Furthermore, the resulting criticism of public ownership existing in some of the counties has impeded the development of federal power projects in other parts of the nation, and unless the states enact the necessary legislation, the Federal Government may

[27] *Nashville Tennessean*, Jan. 31, 1941.
[28] *Knoxville News-Sentinel*, Feb. 6, 1941.
[29] *Nashville Banner*, Jan. 16, 1941, and *Nashville Tennessean*, Jan. 31, 1941.
[30] *Memphis Press-Scimitar*, Feb. 8, 1941.
[31] See *Nashville Banner*, Feb. 3 and 4, 1943.

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be forced to intervene to protect its interests. It might take effective action along several lines. The T.V.A. might be directed to reduce electric rates by the amount of any county taxes collected but retained by the cities, since this loading in effect constitutes a profit that is forbidden by the spirit, if not the letter, of the power contracts. If this course were not feasible, Congress might easily and effectively attain the desired end by making future payments under the Norris-Sparkman Amendment contingent on state action to require replacement by the distribution systems. Either measure would eliminate the most unfortunate cause of inter-governmental friction resulting from the public power program.

III. MUNICIPAL-STATE RELATIONS

Another phase of inter-governmental relations that has necessitated some readjustment concerns the relationship of the distribution systems to the state regulatory bodies. In Alabama, the systems are regarded as exempt from the jurisdiction of the Public Service Commission under the same provisions as are other utilities owned and operated by municipal corporations,[32] and one of the main arguments against a proposed state tax on power was that it would result in an attempt to put all municipal utilities under the control of the Commission.[33] It is expressly given the authority, however, to approve the terms of agreements made for the sale of private electric systems to municipalities negotiating for their purchase.[34] Tennessee specifically exempted distribution systems from the control of the state Railroad and Public Utilities Commission by defining them as "non-utilities,"[35] and gave municipalities the authority to acquire property from any public utility without the approval of the Commission or any other agency in the state.[36] Much of the opposition of the municipalities to the proposed bill in Tennessee requiring them to pay the county tax losses was caused by the provision for valuation of the systems by the Commission, which assertedly would confer on the body a jurisdiction which the cities strongly denied.[37] Kentucky, which at the 1942 session of the legislature authorized municipalities to purchase T.V.A. power,[38] likewise expressly exempted them from the jurisdiction of the Public Service Commission.[39] It should be consulted in efforts to arrive at an agreement for the purchase of existing systems, however, and should make available its facilities and information.[40] Moreover, while the Commission would have no authority over the operations of the distribution systems, it

[32] *Code of Alabama*, 1940, Title 48, Sec. 18.
[33] *Birmingham News*, May 21, 1939.
[34] *Code of Alabama*, 1940, Title 48, Secs. 342–344.
[35] Chap. 42, *Public Acts of the State of Tennessee*, 1935. [36] *Ibid.*
[37] *Nashville Banner*, Jan. 16, 1941, and *Knoxville News-Sentinel*, Feb. 6, 1941.
[38] Chap. 18, *Acts of the General Assembly of the Commonwealth of Kentucky*, 1942.
[39] *Ibid.*, Sec. 31. [40] *Ibid.*, Sec. 3 (12).

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might require them to extend services when such action was considered in the public interest and not detrimental to the financial structure of the systems.[41] In the several states using T.V.A. power, municipalities owning and operating distribution systems were given the power to agree, in contracts with the Authority pertaining to the acquisition of distribution facilities or the purchase of electric power, to any conditions regarding resale rates, services, financial and accounting methods, operations practices, and application of revenues which the Authority might consider appropriate.[42]

While the municipal distribution systems are authorized and empowered by legislative action, the extent of control to be exercised by the legislature has caused unusual interest. The very moot issue has arisen both in Tennessee and Alabama as to the taxability of revenues of the systems by the state governments. The governor of Tennessee sponsored in 1939 a tax of three per cent on the gross receipts of the systems to replace a similar tax formerly levied on the private power companies.[43] The tax, expected in no way to affect the power yardstick, was specifically characterized as an emergency measure necessary to balance the budget that would decrease according to a graduated scale as the T.V.A. payments under the original act increased.[44] The cities affected were almost unanimous in their opposition, however, some contending that the state could not tax its political subdivisions under the Tennessee constitution, and others that even if it had the power, such a tax was wrong because the state might exploit electricity as a source of revenue and thereby defeat the major purpose of the T.V.A.[45] While this opposition would probably have been enough to defeat the bill,[46] its demise actually occurred when the Crump political machine successfully opposed it and thereby forced repeal of the state's thirty-year-old prohibition law.[47] The fight in Alabama the same year over a proposed tax of one and one-fourth mills per kilowatt hour on the sale of electricity purchased by municipalities from governmental agencies evoked tremendous opposition from the municipal-own-

[41] *Ibid.*, Sec. 31.

[42] Chap. 37, *Public Acts of the State of Tennessee*, 1935; Chap. 185, *Laws of Mississippi*, 1936; and Chap. 18, *Acts of the General Assembly of the Commonwealth of Kentucky*, 1942.

[43] For the text of the bill, see *Report on Tax Replacement Requirements in Tennessee, op. cit.*, p. 83. [44] *Knoxville News-Sentinel*, Feb. 14, 1939.

[45] See the *Knoxville News-Sentinel*, Feb. 11 and 16, 1939; the *Nashville Tennessean*, Feb. 10, 1939; and the *Jackson* (Tennessee) *Sun*, Feb. 10, 1939.

[46] The T.V.A. and the Federal Government were also understood from authoritative sources to be opposed to the tax. *Nashville Tennessean*, Feb. 12, 1939.

[47] Crump had been a leader in the movement for repeal, and though agreeing to support a tax on power "as a last resort," he later declared that "liquor tax money would relieve any 3 per cent levy on power." *Nashville Tennessean*, Feb. 10 and 24, 1939; *Chattanooga News*, Mar. 1, 1939; and *Charlotte Observer*, Mar. 21, 1939.

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ership cities, supported by the Alabama League of Municipalities.[48] Denial of the state's right to tax a departmental activity of a city was successful when the author of the bill withdrew it before consideration.[49] The question as to the taxability of revenues of the distribution systems has thus been settled, at least politically, in the two states.

Another problem affecting municipal-state relations under the operation of the Norris-Sparkman Amendment is the duty of the state to transfer to the cities money received from the Authority to replace municipal property tax losses. Chattanooga lost $18,389 in ad valorem taxes when transmission lines and a building in the city were acquired by the T.V.A., and other distribution centers in the state also incurred losses. Chattanooga demanded replacement by the state, asserting that while the Amendment specifically mentioned payment only to the states and counties, its expressed purpose was to render financial assistance to the states "and local governments." A further fact showing an intention to replace municipal losses was the Authority's use of the assessments and tax rates of the cities in computing the total tax loss. State officials did not at first contest the obligation, but refused to release the money because of the asserted lack of authority under existing legislation. Local authorities, denying this assertion, threatened to resort to legal proceedings if payment was not made.[50]

The state administration later opposed payment, claiming that, although the municipalities had lost taxes as a result of public acquisition of power properties, the state had suffered revenue losses and needed the total amount paid by the T.V.A. to make up its deficit. The issue was settled by compromise when the 1943 session of the legislature enacted a law authorizing the state treasurer to pay the municipalities 50 per cent of the amount that would have been due if T.V.A. had been authorized to make the payments directly to the municipalities.[51] It is estimated that about 75 cities will receive approximately $52,000 annually under the law.[52]

IV. STATE-FEDERAL RELATIONS

Easily the most dramatic as well as controversial readjustment in intergovernmental relations necessitated by the public power program was that involving the Authority and the state regulatory bodies. Early in the program, the public service commissions of Alabama and Tennessee at-

[48] *Florence* (Alabama) *Times*, Mar. 17, 1939 and *Tuscumbia* (Alabama) *Times*, May 19, 1939.

[49] *Florence Times*, Mar. 6, 1939 and *Birmingham News*, May 21, 1939.

[50] *Nashville Tennessean*, June 18, 1941; *Chattanooga Free Press*, June 18, 1941; and *Chattanooga Times*, June 20, 1941.

[51] Chap. 111, *Public Acts of the State of Tennessee*, 1943.

[52] *Nashville Banner*, Feb. 6, 1943.

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tempted to exercise authority over the T.V.A. or phases of its operations, every such effort meeting successful resistance by the T.V.A. The Alabama Public Service Commission was the first to make the attempt in an unprecedented ruling of July 14, 1934, which reaffirmed an earlier order[53] approving the transfer by the Alabama Power Company to the T.V.A. of properties in six northwest Alabama counties. Citing many Supreme Court cases and the Alabama Utility Act, the Commission declared that the Authority was subject to state regulation to the extent of its intrastate business, since it proposed to operate and was operating as a utility. Accordingly, permission to operate in Alabama would "not be considered as any abdication, attempted or inadvertent, by the Commission of its police powers in the regulation of rates and services of utilities. It is the well-settled law of the country, as we understand it, when municipalities and states engage in a business like that of a private individual, they render themselves subject to the laws of the land applying to such business in like manner as if the municipality or the state was itself an individual. . . . If the Federal government comes into a state and enters into a proprietary enterprise, a business like that of a private individual, not governmental in character, we can find no basis on which to rest the conclusion that the Federal government in its proprietary business should not be subject to the police powers of the state."[54] The ruling purported to contain nothing that might prevent the Authority from developing its program by "a reasonable and orderly procedure," but did order the Authority to file with the Commission within 30 days its schedule of rates and service regulations prevailing in Alabama.[55]

The Authority's position was later declared in response to a request from the Commission to send representatives to a hearing to be held on October 23, 1934, regarding the contested transfer of certain properties to the Authority and cities of northern Alabama. The Authority consented to send representatives as requested, but only on condition that the Commission agree that attendance would not be regarded as recognizing its jurisdiction over the T.V.A.[56] Furthermore, the Authority peremptorily rejected the Commission's previous claims of jurisdiction, asserting in a letter to it: " . . . since your Commission cannot directly determine the rates and rate policies of this national agency, it should not try to do this indirectly, by calling for testimony concerning matters clearly beyond your control. . . . The policies as to rates which govern the Tennessee Valley Authority are those derived from the act of Congress. For the directors of the Authority to permit these policies to be changed or affected by the orders of your Commission would be a violation of our oath of of-

[53] *Re* Alabama Power Company, *Public Utilities Reports* (New Series), Vol. 4, p. 225 (1934).

[54] *Ibid.*, p. 233. [55] *Ibid.* [56] *Knoxville Journal*, Oct. 10, 1934.

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fice. In matters of rates, as in all other matters, the Authority cannot have two sources of authority."[57]

Relations between the Commission and the T.V.A. became more strained when the state agency charged that T.V.A.'s publication of its statement that it would not submit to state jurisdiction and would attend the scheduled hearing only if its presence were so understood was a "designed effort . . . to prejudice the people of Alabama against the Commission with respect to a decision delivered by it in the reasonable and orderly discharge of its official duties."[58] The Commission notified the Authority that the question of jurisdiction would ultimately have to be settled by the courts.[59]

While the private utility supporters commended the regulatory body for its stand,[60] opinion generally throughout the state was very condemnatory.[61] It was declared hard to believe that the legislature ever thought that the Commission, a creature of the legislature, would attempt to regulate governmental agencies, since municipalities owning and operating their power plants were specifically exempt from interference or control by the Commission.[62] Moreover, the Commission was charged with being very inconsistent in assuming to regulate T.V.A.'s activities in the state, since it had never sought to regulate the rates of the Mississippi-Warrior barge line. This, too, was a federal revenue-producing agency organized as a corporation with funds provided by Congress, operating on the Warrior River between Mobile and Birmingham.[63] Many expressed the fear that the Authority would simply withdraw from the state, and urged the abolition of the Commission or the selection of a group favorable to the T.V.A.[64]

The conflict was settled when legislative policy was unequivocally expressed in 1935 by the passage of the Walker Act.[65] This limited and defined the authority and jurisdiction of the Commission so as to exempt therefrom certain federal agencies, instrumentalities, and corporations. In addition, it defined these bodies as "non-utilities," and authorized the sale, lease, or other disposal of private utility property to these non-utili-

[57] *Knoxville News-Sentinel*, Oct. 9, 1934.

[58] *Ibid.*, Oct. 12, 1934. [59] *Ibid.*, Oct. 10, 1934.

[60] The pro-utility *Birmingham Age-Herald* declared that the Commission's contention "constitutes nothing less than a rather heroic assertion of a principle which lies at the very roots of our government—that of states' rights" (July 16, 1934).

[61] The Commission was denounced by mass meetings, civic clubs, labor unions, and many other organizations. See the *Montgomery Journal*, Sept. 7, 1934, and Oct. 30, 1934. [62] *Limestone* (Athens, Alabama) *Democrat*, Oct. 11, 1934.

[63] *Montgomery Journal*, Oct. 11, 1934.

[64] *Birmingham Post*, July 16, 1934; *Florence Times*, Sept. 21 and Oct. 22, 1934; and *Montgomery Journal*, Oct. 30, 1934. [65] *Alabama Laws*, 1935, p. 1.

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ties. In 1939, the governor of Alabama presented a list of questions[66] concerning the constitutionality of the act to the Alabama supreme court. The tribunal declined to express an opinion thereon, however, saying that during the four years many legal rights might have accrued incident to the important legal points involved. It therefore did not feel disposed to answer the questions without the benefit of an actual issue in a regular judicial proceeding, with arguments and briefs.[67]

Relations between the Authority and the Tennessee Railroad and Public Utilities Commission evidenced less bitterness than in Alabama, but here also the problem of jurisdiction was a delicate one. One of the Authority's early acts, the negotiation of a contract with the Commonwealth and Southern Corporation, secured a reduction in power rates estimated to save electric consumers $400,000 a year.[68] As the Commission the year before had declared, in answer to a legislative resolution, that rate reductions were impossible and would wreck the Tennessee Electric Power Company,[69] operating company of the Commonwealth and Southern, the reduction effected by the Authority evoked a state-wide demand either that the personnel of the Commission be changed at the next election or that the Commission be abolished or stripped of its powers.[70]

Regarding the question of jurisdiction, the Commission ratified most of the provisions of the contract, but in reserving approval of several provisions, it clearly showed that it would resist a diminution of its power. Refusing to approve a provision that the new residential rates should be effective for five years, the Commission asserted that it continued to have control over the rates, and reserved the right to revise them whenever a change was deemed necessary. "This Commission," it further declared, "cannot be deprived and denuded of its powers and duties under the acts now granting it its powers, or any future legislation, by the contracts of parties establishing rates to be maintained." The Commission also contested a provision of the contracts allocating certain market areas to the

[66] The most important were:

Is the act violative of the constitution of Alabama and the due process clause of the 14th Amendment in "arbitrarily exempting one class of activities from regulation by an agency of the state, and requiring other like activities to be regulated by such agency?"

Does the act violate the state constitution "in that the legislature fails thereby to provide for regulation of a class of activities which it declares to be 'non-utilities'?"

"Is the attempt of the legislature to declare what is a non-utility an interference with the powers of the judiciary to determine whether or not any functionary is subject to state regulation as such?" Published in the *Birmingham News*, June 9, 1939.

[67] *Ibid.*

[68] *Chattanooga Times*, Jan. 12, 1934.

[69] *Memphis Press-Scimitar*, Jan. 8, 1934.

[70] *Knoxville News-Sentinel*, Jan. 7 and June 29, 1934; *Memphis Commercial Appeal*, May 4, 1934; and *Rogersville* (Tennessee) *Review*, May 31, 1934.

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private companies and the Authority, claiming that this might conflict with state law empowering the Commission to require a utility to extend its facilities into a territory when the regulatory body considered it reasonable and practical. Finally, while the Commission did approve the sale of certain private power properties to the T.V.A., it maintained that its approval was necessary to make such transfers valid.[71]

The Authority's position was clearly stated several months later when the attorney-general of Tennessee asked whether or not the T.V.A. would voluntarily permit the Railroad and Public Utilities Commission or some other state agency to regulate its rates if the sale of the Tennessee Public Service Company's holdings around Knoxville were consummated. David Lilienthal, one of the directors of the Authority, replied that, while it desired to coöperate with the Commission and all other state agencies, it could not voluntarily yield to state regulation or recognize any authority within the state. He did not conceive, however, that the T.V.A. would act as a regulatory body, but considered that it would supplement the control of public utilities exercised by state agencies. Rather than "control" the resale rates of electricity, the T.V.A. would make contracts providing for rates which would be "mutually satisfactory" to both the Authority and the municipalities. However, it would make no contracts without restrictions as to the resale rates.[72] In subsequently approving the Authority's right to operate in Knoxville, the Commission specified that it retained jurisdiction—characterized as a harmless assertion to save its feelings, but to grant the people of Knoxville what they wanted.[73] The 1935 legislature, as in Alabama, clarified the situation and removed future complications by defining as "non-utilities" any corporation, agency, or instrumentality of the United States, which "non-utilities" were specifically excluded from the term "public utilities" as defined in the state.[74] This definitely delimited the jurisdiction of the Commission and removed the possibility of future conflict.

The most recent attempt of a state regulatory body to assert control over the T.V.A. or its operations was made by the Kentucky Public Service Commission during the 1942 session of the legislature. An enabling bill was under consideration to authorize municipalities to acquire distribution systems and contract with the T.V.A. for power. Without advocating direct control over the Authority, which many of its critics demanded, the Commission more subtly sought to regulate its activities indirectly by requiring municipalities to secure a certificate of convenience and necessity before acquiring a distribution system, and by giving the Com-

[71] *Re* Tennessee Electric Power Company *et al.*, *Public Utilities Reports* (New Series), Vol. 2, p. 4 (1934).

[72] *Nashville Banner*, Oct. 10, 1934. [73] *Mobile Times*, Oct. 29, 1934.

[74] Chap. 42, *Public Acts of the State of Tennessee*, 1935.

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mission the authority to fix a fair purchase price.[75] These were termed "joker" provisions by the T.V.A. that would prevent any assurance that a contract between it and a municipality could be carried out without prolonged litigation, if at all.[76] After the Commission's proposals were rejected, the body openly showed its hostility to the Authority by declaring that any bill permitting cities to contract with it on its terms "would surrender city rights, liberties and privileges for twenty years . . . in complete abdication of local authority that is unwise, unhealthy and undemocratic."[77] After the governor, in an address to the legislature, soundly rebuked the attitude that the T.V.A. should be allowed in the state only on condition that it come under the jurisdiction of the Commission,[78] its chairman resigned in a huff. The apparently invincible opposition crumbled, and the enabling act adopted[79] removed further threats of attempted state regulation when the T.V.A. extends its operations to Kentucky.[80]

THE SENATE JUDICIARY COMMITTEE: QUALIFICATIONS OF MEMBERS

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In many of our modern industries, aptitude tests are given to new employees in order to determine the type of position for which each worker is best fitted. Unfortunately, in legislative bodies committee assignments are dependent upon several factors, only one of which is specialized ability.[1] To serve the public best, however, no one can truthfully deny that individual competence ought to be the basic reason for placing a legislator on the committee which can make the most advantageous use of his particular training and experience. Putting an international lawyer on an agriculture and forestry committee would be a sheer waste of talent. With these thoughts in mind, the Senate Judiciary Committee has been studied for the purpose of determining the qualifications of the 219 men who have been members of this body since it was established in 1816.

[75] *Louisville Courier-Journal*, Dec. 21, 1941. [76] *Ibid.*
[77] *Ibid.*, Feb. 5, 1942.
[78] For a partial text of the address, see *ibid.*, Feb. 12, 1942.
[79] Chap. 18, *Acts of the General Assembly of the Commonwealth of Kentucky*, 1942.
[80] For a more detailed account, see A. T. Edelmann, "Kentucky Accepts T.V.A. Power," *Journal of Land and Public Utility Economics*, Vol. 18, No. 4, Nov., 1942, pp. 481–484.

[1] For methods and considerations used in the Senate to fill committee vacancies, see G. H. Haynes, *The Senate of the United States*, I, pp. 292–293, and E. Dennison, *The Senate Foreign Relations Committee*, pp. 4–10.

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The Committee on the Judiciary is one of the most important committees in the United States Senate. The type of bills and resolutions coming within its province makes it a strong and responsible guardian of the nation's laws. Indeed, the powerful position of this committee leads one to suggest that it could well be termed a "Congressional Supreme Court."[2]

Thus we have a Senate committee which possesses weighty jurisdiction. Membership on this committee is limited by considerations of party harmony, seniority of service, geography, personal preference, and individual experience. There emerges this question: Has the Judiciary Committee been characterized by competent personnel despite the fact that ability is not the only determinant in gaining an appointment?

In order to answer this question, several indices of ability have been set up. Each of these hypotheses represents a qualification which, if possessed, should make an individual better suited to serve on this committee than, for example, the finance or foreign relations committee. In terms of these criteria, the committee's personnel has been analyzed.[3]

I. PROFESSIONAL-TECHNICAL QUALIFICATIONS

What are the qualifications which a prospective member of the Judiciary Committee should have? At the outset, the very name of the committee indicates that persons with training in law would be valuable as members. Equally significant would be judicial experience and/or knowledge gained as prosecuting attorneys and in legal administration. Other qualities will be considered, but the above-mentioned seem of primary importance.

Lawyers. It is a commonplace that Congressmen are lawyers. Thus it has been shown that slightly over 60 per cent of the senators elected to the Seventy-seventh Congress were lawyers by profession.[4] Indeed, lawmaking by its very nature attracts those trained in this field; and it is a remarkable fact that throughout the history of the Senate Judiciary Committee there has never been a member who was not a lawyer. Not all of these 219 men actually practiced their chosen profession. Many were early attracted to politics and spent their lives in this calling. Still it is quite safe to estimate that the vast majority engaged in handling lawsuits at some

[2] Among the main duties of the Judiciary Committee are: (1) general original control over practically all proposed amendments to the Constitution; (2) approval or disapproval of presidential nominees for positions on United States courts; (3) consideration of changes in the federal court structure; (4) advising the Senate on matters relating to trusts, extradition, bankruptcy, federal prisons, etc.

[3] Biographical material was compiled from several sources, but mainly from the *Biographical Directory of the American Congress, 1774–1927*, and the *Congressional Directory* (editions from 1850 to 1942).

[4] M. McKinney, "The Personnel of the 77th Congress," in this REVIEW, Feb., 1942.

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time prior to their becoming United States senators. We can conclude that an essential prerequisite to service on this committee is knowledge of the law as evidenced by admission to the bar.

Where did the various committee members learn their law? This question is an interesting one, as the answer to it reflects the increasing importance of institutional education in this country. The earliest method of getting a legal education was to attach oneself to a man already a practicing lawyer. By working in a law office or by studying alone from law books, the earnest young man gathered his knowledge of the intricacies of the law. Of the first 70 members of the Judiciary Committee, 63 received their legal education by following such a procedure. In other words, only one in ten of the members of this committee down to the Civil War went to school to learn law. The famous Litchfield Law School produced four graduates who became members of the Judiciary Committee during this early period.

Fifty-eight different senators became members of the committee during the period from 1861 to 1900. Eleven of these had been graduated from a law school. Thus approximately one out of five new faces on the committee represented a person who had derived his knowledge of the law from attendance at college. No one school had a monopoly of alumni. Harvard had three graduates who sat on the committee during this period. The University of Virginia supplied two, while six other schools had one representative apiece.

Since 1900, the names of some 91 individuals have graced the roster of the Judiciary Committee. Forty-four of these persons attended law school, with Harvard, Michigan, and Virginia contributing one-third of the number. Almost 30 other schools were represented by at least one alumnus.

Taking the membership of the committee as a whole, 28 per cent have been lawyers who first saw the "legal light of day" via the law school; although this percentage becomes of less importance when cognizance is taken of the increasing place of the law school in preparation for the bar. Prior to the Civil War, one out of ten Judiciary Committee members was a law-school graduate; during the last twelve years, six out of ten.

Judicial Experience. Throughout the history of the committee, there has been a steady flow of senators with judicial background. Approximately one out of every three members of the Judiciary Committee has possessed this advantage. The positions held have run the gamut of state and federal court hierarchies. Many occupied posts on more than one court before being elected to the Senate; 38 out of 70 members with judicial experience had been on the bench of their highest state court.[5] Our hypothesis that judicial experience should be one of the qualifications for appointment to the committee has been amply sustained by experience.

[5] David Davis, indeed, had been an Associate Justice of the U. S. Supreme Court.

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Participation in Constitutional Conventions. Participation in the proceedings of a state constitutional convention should be some indication of an individual's capacity to perform the functions of a Judiciary Committee member. Between 1814 and 1900, no fewer than 27 constitutional conventions were held for the purpose of framing a basic law preliminary to admission of a state, and many more conventions were held to revise state constitutions. After the turn of the century, there were relatively few state constitutional conventions. Hence a senator today will usually have had but little chance to attend one.[6] While 16 per cent of all Judiciary Committee members have attended such meetings, a more significant showing is made if only those senators who became members of the committee during its first century are taken into account. One hundred and twenty-eight individuals were selected to positions on the committee between 1816 and 1900. Of this number, 31 had been members of state constitutional conventions. While the fact of having served at a constitutional convention was, during the nineteenth century, a good indication that a person would be of value on the committee, such experience can hardly be expected of current and future Judiciary Committee members. Hence this test of eligibility is no longer significant. Because so many of the earlier committeemen had this background, it is included for historical reasons.

Prosecuting Attorneys and Legal Administrators. As a fourth index of competence, the experience a man has had as prosecuting attorney or as a legal administrator ought to be given some notice when places on the Judiciary Committee are allotted. Although there is a wide range of difference in the experience one would get as a city solicitor and as a state attorney-general, both posts have this in common: political and/or administrative ability is needed in addition to legal knowledge.

Upon examining the record of all persons who have served on the Judiciary Committee, it was discovered that slightly over 50 per cent of them had occupied such positions of trust. To state it in other terms, one of every two members had held at least one of the following offices: city solicitor, county attorney, state's attorney, state assistant attorney-general, state attorney-general, assistant or regular United States district attorney, Attorney-General of the United States. About one in four was a county prosecuting attorney at some time early in his career. Sixteen had been attorneys-general for their respective states. William Pinckney, Reverdy Johnson, William Evarts, and Philander C. Knox had each been Attorney-General of the United States. The vast majority of those with this legal administrative experience had performed their service within some state; only about a dozen had been connected with the United States Department of Justice in any official capacity.

[6] According to *The Book of the States, 1941–1942*, p. 45, only 21 out of a total of 189 state constitutional conventions have been held since 1900.

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The House Judiciary Committee. Another index of a senator's competence to serve on the Committee on the Judiciary rests upon whether or not he had been a member of the House of Representatives prior to becoming a member of the Senate. If he had served in the House, had he been appointed to its Judiciary Committee? This is our fifth test.

Sixty-two of the men studied had been in the House before entering the Senate. Eighteen of these had served on the House Judiciary Committee. Without an immense amount of research, it would be impossible to discover those members of the House Judiciary Committee who, upon entering the Senate, did not there become a member of the corresponding committee. It is easier to hazard a guess and point to the fact that Daniel Webster was on both committees. It still remains true, although not of great import, that one in thirteen Senate Judiciary Committee members served on the corresponding committee in the House of Representatives.

Compendium of Technical Qualifications. So far, five factors have been emphasized as furnishing a guide to the selection of qualified personnel for service on the Judiciary Committee. If one unit is assigned to represent a single qualification, what picture emerges as to the competence of committee members? The following tables show the record:

TABLE I

Qualification	*Number of members*
Lawyers	219
Judicial experience	70
Legal administrators	102
Members of constitutional conventions	35
House Judiciary Committee members	18

TABLE II

Members	*Units*	*Percentage*
0	5	0
6	4	3
47	3	21
113	2	52
219	1	100

Looking back over the 128 years that the Senate Judiciary Committee has been in existence, one summary observation is in order. This committee has been distinguished by competent personnel. Seventy-five per cent of the members have possessed legal and practical experience other than mere training in the law.

II. ADDITIONAL INDICES OF ABILITY

There are other qualifications which may make a legislator valuable to a committee in addition to the specialized, technical knowledge which he possesses. The members of the Senate Judiciary Committee have, on the whole, rated high on these other scores. Two such elements of worthiness are previous legislative experience and education.

Legislative Experience. As to the first, well over one-half of the committeemen had been in their own state legislatures or in the United States House of Representatives before entering the Senate. Sixty-seven per cent were, therefore, not novices in the ways and wiles of legislation. One

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hundred and twenty had served in state legislative bodies; 62 had been Congressmen; 45 had a background of experience at both state and national levels. A table shows the percentages:

TABLE III

LEGISLATIVE EXPERIENCE

	Either state legislature or U. S. House of Rep.	*State legislature only*	*U. S. Congress only*	*Both state and national experience*
Number of men	146	120	62	45
Per cent of total committee membership	67	55	28	21

Education. College-trained men are not by any means the only educated individuals in the world; but attendance at some seat of higher learning does give a fairly certain indication that a person is above the average in intelligence and learning. Other qualifications being equal, it would be safe to assume that a committee of university graduates would possess more perspective and factual knowledge than a group of grammar school graduates. A survey of the Senate Judiciary Committee membership shows that 146, or 67 per cent, attended colleges or universities.[7]

An overwhelming majority were college graduates, but mere attendance was counted in computing the results. Almost 90 colleges were represented, and these were scattered throughout the country. The "Ivy League," for example, could claim only 20 per cent. Further to illustrate the diversification, one need only note those institutions which had the largest number of alumni. Yale University was exceptional: fifteen of her sons appeared on the Judiciary Committee. Princeton had six; Center and Brown had five each; Dartmouth, Williams, Michigan, William and Mary, and Bowdoin had four each; Union, North Carolina, Vermont, and Dickinson had three each; 13 institutions had two each; while about 60 had but one.

Outstanding Personalities. Thus far, the committee's membership has been treated in terms of impersonal qualifications. Only by bringing to notice the names of some of the leading members can one really discover the wealth of talent which has been attracted to the committee. Three committeemen (Buchanan, Pierce, and Van Buren) were destined to be elected to the presidency; two others, Hendricks and Fairbanks, later served as vice-president. For John McKinley, L. Q. C. Lamar, George Sutherland, Howell Jackson, and Hugo Black, the committee was a stepping stone to a post on the United States Supreme Court. Two other committeemen, Roscoe Conkling and William Smith of South Carolina, were

[7] Attendance at business schools or seminaries has not been included in this tabulation. Those senators who went to more than one college have been credited with attending *a* college. Members who received a law degree from a school, but whose record has given no indication that they studied other subjects, have not been included.

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offered positions on this court which they declined to accept. George Badger was formally nominated, but not confirmed.

It is interesting to note that at least a dozen members were associated with the teaching of law. Nine taught law in one school or another before being elected to the Senate; others became professors of law after leaving the Senate.

William Pinckney and Daniel Webster were so well thought of that both were placed on the Judiciary Committee almost as soon as elected—in both cases before they had even journeyed to the national capital.

With such a list of well-qualified committeemen, it is interesting to speculate on the best combination of members. Mr. O. O. Stealey, Washington correspondent of the *Louisville Courier-Journal* during the last two decades of the nineteenth century, has observed that in the period of the Fifty-fourth Congress the Senate was "intellectually stronger than it has ever been since."[8] As for the Judiciary Committee, Stealey asserts that the Fiftieth and Fifty-first Congresses deserve the honor of having the best qualified combination in the first eighty-five years of the committee's history.[9] From 1888 through 1891, the committee was composed of nine great lawyers: George Edmunds of Vermont (chairman); J. J. Ingalls of Kansas; George Hoar of Massachusetts; James F. Wilson of Iowa; William Evarts of New York; James L. Pugh of Alabama; Richard Coke of Texas; George Vest of Missouri; and James Z. George of Mississippi. This list of names is truly impressive in terms of legal ability. As many of these men served for a number of years during the 80's and 90's, it is logical to conclude that this period was the flowering era in the long history of the committee.[10]

The Senate Judiciary Committee is a lawyers' committee; only men with legal training have been admitted to its membership. By far the majority of members have been well-qualified to perform the tasks falling within the committee's jurisdiction. New members commonly have come with good education, with legislative experience, and with a background of judicial service and legal administration. The ability and talent of past members indicate that a place on the committee is a badge of honor; membership stamps a man as a lawyer's lawyer. On the whole, the committee has had, since its origin in 1816, a personnel record of which it may be proud.

[8] O. O. Stealey, *Twenty Years in the Press Gallery*, p. 127. [9] *Ibid.*, p. 62.

[10] Important legislation passed by the Fiftieth and Fifty-first Congresses included (1) authorizing writs of error to the U. S. Supreme Court in capital cases; (2) authorizing a review by the Supreme Court of all judgments and decrees of inferior courts in respect to the question of jurisdiction of the trial court, and regardless of the amount in controversy; (3) passing the Sherman Anti-Trust Act; and (4) establishing the Circuit Court of Appeals and defining the jurisdiction of United States courts generally.

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PUBLIC ADMINISTRATION

A PROPOSED REORGANIZATION OF THE EXECUTIVE BRANCH OF THE FEDERAL GOVERNMENT

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The various suggestions for reorganization of the War Agencies now pending in the Congress pose two other questions, perhaps as fundamental to the successful prosecution of the war as the question whether the nation's war effort is itself best centralized and organized. The first is: Are the War Agencies, and is the war effort, correctly related to the various other portions of the government, that is, those portions of the executive branch of the government which were in existence prior to 1940? The second question is: Is the entire federal government, in all of its military, quasi-military, and civilian aspects, in need of far-reaching reorganization in order that the war effort may effectively be administered, and that the peace which is to follow may be well administered also?

I. IS THE WAR EFFORT PROPERLY RELATED TO THE REST OF GOVERNMENT?

With regard to the first question, the President has often apparently deemed it wise to set up a new agency, entirely independent, and charged only with responsibility for expediting the war-time aspects of a particular problem. For example, to attack with new imagination and vigor the problem of our relationships with Latin America, the President created the Office of the Coördinator of Inter-American Affairs, rather than leave the handling of this crucial problem to the State Department, which normally would handle such matters. Other examples of such new agencies to administer new aspects of old problems are the Office of Defense Transportation, rather than the Interstate Commerce Commission; the War Shipping Administration, rather than the Maritime Commission; the National War Labor Board, rather than the National Labor Relations Board or the United States Conciliation Service, and so on. This division of peace-time and war-time functions on the same problems between different agencies is apparently based on two considerations: (1) The war-time functions are temporary, and if the agencies which administer them are temporary also, they can be demobilized more easily than if they are integral parts of old-line departments and establishments. (2) If an administrator has responsibility only for expediting war-time aspects of a problem, he is going to concentrate on that part of the job, and therefore is going to do a more intensive and a better job than might be done by an administrator for whom the war-time problems are only some among many problems, likely to be shunted aside because they are newer than his long-estab-

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lished problems and programs, which already occupy his full time. The war agencies have attacked their problems with vigor and determination, for the most part, and where they have not done so it frequently has been the fault of insufficient or divided authority.

Furthermore, when a new agency is created to administer a portion of a function, the old-line agency charged with responsibility for the remainder will at once be galvanized into action by competition. The State Department is today more aware of the problems of our relations with Latin America than it ever was before the creation of the Office of the Coördinator of Inter-American Affairs. The competition between the old-line agency and the war agency concerned with the same functions is one of the greatest and most beneficial aspects of the whole system of the division of authority. On both of these bases, then (if these they were), the President's reasoning has been sound, judged by the criterion of results.

Despite these considerations, it should be recognized that as the face of the war changes, and as our strategy, organization, and intensity of effort change to meet the new aspects and problems, much reorganization and realignment are necessary and desirable, for three reasons: (1) New problems and new *types* of problems arising as the war goes on will frequently necessitate new agencies and new types of organization. (2) Occasionally the wrong type of agency is established, and has to be superseded by another, a board for a single administrator, or a single administrator for a board, several agencies where there was one before, or an agency consolidated out of three or four previous ones. Such periods of adjustment are necessary, since the proper administrative solutions for problems cannot always be anticipated the first time. There is likely to be, as the strain of the war effort grows more severe, continuing and intensified reorganization, reshuffling, and shaking-down of the agencies charged with the administration of the war, in both its civilian and its military aspects, so that operations may become ever more hard-hitting, more speedy, tighter, and more effective, using less man-power and getting more work done by streamlining of procedures and elimination of unnecessary work. (3) Regardless of the making of mistakes in organization, further consolidations are not only advisable but vitally necessary. Different aspects of the same problem, or different degrees of it, arise at different times, and are sometimes dealt with separately from an organizational standpoint, but can have all functions and organizational units dealing with it consolidated eventually.

If entirely new agencies are set up each time new functions appear, and they are not consolidated from time to time, the eventual sprawling multiplicity of government agencies becomes appalling. With the increase in the number of agencies comes an ever-increasing degree of liability of duplication of effort, liability of divisions of functionally unitary authority

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which may result in absolute stalemate because the various holders of authority cannot agree, public confusion as to whom should be dealt with on urgent war matters, public impressions of inefficiency and official bewilderment, and ever-increasing necessities for clearances, liaison, personal contact to expedite matters, committees between organizational units and agencies, and coördination. Eventually, such subdivision and duplication of authority bring all practical operations or actual results to a standstill. In the second place, once the lethargy has been shaken from the old-line agency, it may be in a position to do just as good a job on the whole function as on a portion of it, and it may have at its command trained personnel, some of whom may be used on the newer aspects of the job. Both of these considerations, therefore, make consolidations of the war agencies themselves, or new alignments with their peace-time prototypes, seem advisable. Particular organizational integrations which would better relate these functions to each other and to regular government activities, are discussed subsequently.

II. SHOULD WE REORGANIZE THE EXECUTIVE BRANCH?

With regard to the second question, that of reorganization of the total executive branch of the federal government, the reasoning of the President's Committee on Administrative Management remains sound. Little can be added, if anything, to its analysis of the need for reorganizing the executive branch, its character and its urgency. The members did not have in mind the exigencies of the war situation which have since been thrust upon us, and which have brought in their wake so much greater confusion at the same time that the need for governmental effectiveness has become more crucial than ever before. The proposals that follow take into account that war situation. They also attempt to reduce the span of control of the President even further than the President's Committee proposed, and thus approach even closer the golden, unattainable optimum.

Everyone knows that the President has entirely too many people reporting directly to him. The span of control over which he is supposed to exercise supervision is nothing less than fantastic, and no man, no matter how superior, can adequately supervise as many individuals as the President is supposed to supervise. Meriam and Schmeckebier found in 1939 that of 132 various establishments in the federal government, many were not independent agencies in the usual sense; that is, that they were coordinating committees, subsidiary corporations and organizations, special international commissions, temporary agencies, boards of trustees for special funds, private agencies with government affiliation or sponsored by the government but without government affiliation, and that many of

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them had no appropriations of their own.[1] They found, however, that sixty of these agencies were significant in that they had appropriations and personnel of their own, and were likely to be fairly permanent establishments. Some of these agencies have, of course, been abolished or integrated into new agencies.

The Report of the President's Committee on Administrative Management[2] stated that: "There are now in the Government of the United States over 100 separately organized establishments and agencies presumably reporting to the President. Among them are the 10 regular executive departments and the many boards, commissions, administrations, authorities, corporations, and agencies which are under the President but not in a department. There are also a dozen agencies which are totally independent—a new and headless 'fourth branch' of the Government . . . The Executive Branch . . . has thus grown up without plan or design, like the barns, shacks, silos, tool sheds, and garages of an old farm."

Moreover, the war effort has caused, in the past two years, the rapid expansion of the executive branch of the government through the creation of numerous agencies by executive order, rather than by legislation. The *United States Government Manual* published in the spring of 1942 lists more than eighty major federal agencies. Whatever the number which need individual attention and control from the President, it far exceeds the maximum span of control of five and the optimum span of control of four recommended by Graicunas in his paper "Relationship in Organization."[3] Some drastic measure should be taken to relieve the President of this insuperable burden.

The answer to the question of whether we should reorganize the executive branch is certainly in the affirmative. The following suggestions are made to stir further thinking about the advisability of reorganizing it and some thinking as to the specific form which such reorganization might take. They are not intended to be restrictive as to form, functional content or relationships, titular structure, or any other aspect of the problem. They are intended merely to be a starting point from which political scientists, legislators, and perhaps even statesmen, may allow their imagination and ingenuity to wander.

The proposals, it will be seen, assume several things. First, they assume that the rôle of scientific planning and managing should and must become

[1] *Reorganization of the National Government* (Brookings Institution, Washington, D. C., 1939).

[2] Government Printing Office, Washington, D. C., 1937, p. 31.

[3] See Luther Gulick and L. Urwick (eds.), *The Science of Administration* (Institute of Public Administration, Columbia University, New York, 1937), pp. 181–188.

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much greater in administration at all levels than it has ever been before. Second, they assume the eventual achievement, with regard to federal management, of the major aims of the President's Committee on Administrative Management, as embodied in its report. Third, they assume, with ex-President Herbert Hoover, that "leadership comes from individual men; we can no more administer civilian activities in war with a committee than we could direct a battle with a committee;" and that all of the authority for any particular function must be concentrated in the hands of the single administrator chosen to exercise that function.[4] Fourth, they assume the continuance by the federal government of the administration of many social welfare functions—*and in a preventive rather than remedial fashion.* Fifth, they assume that whatever the type of peace achieved by this war, the United States is going to be more wary, and maintain a larger military establishment hereafter. The best thing to do with a standing army or navy is to give it work to do—hard work, not make-believe—which makes your expenditure useful and keeps your men in condition. The best kind of work to give your army and navy is socially productive work: the building of dams, highways, bridges, public buildings; the conservation of land and forests; the carrying of peace-time sea commerce.

III. REORGANIZATION PROPOSALS

To reduce the number of persons reporting directly to the President, there must be a drastic consolidation and regrouping of the major federal agencies. At the same time, there might well be certain changes in their composition, and certain needed agencies might be added; but the aim should be kept clearly in mind, in order that current and future additions to the executive branch structure may not once more make an undistinguishable mass of that portion of the government.

In addition to the "Kitchen Cabinet" of whatever sort he chooses, and to the Vice President, the President might well have the following organization to assist him: First, seven major cabinet ministers reporting directly to him. Each of these would be a coördinator of a major field of government enterprise or responsibility, and collectively they would constitute the only group of governmental administrators reporting directly to the President. In addition to this group, he would have surrounding him, and reporting directly to him, only his confidential advisers or "Kitchen Cabinet," the leaders of his majority in the houses of Congress, or such other liaison officers as he might be forced to have with the Congress, and his liaison with his political party. This would effectively reduce the span of control of the President from more than eighty to certainly

[4] Address to 47th Annual Convention, National Association of Manufacturers, New York, Dec., 1943.

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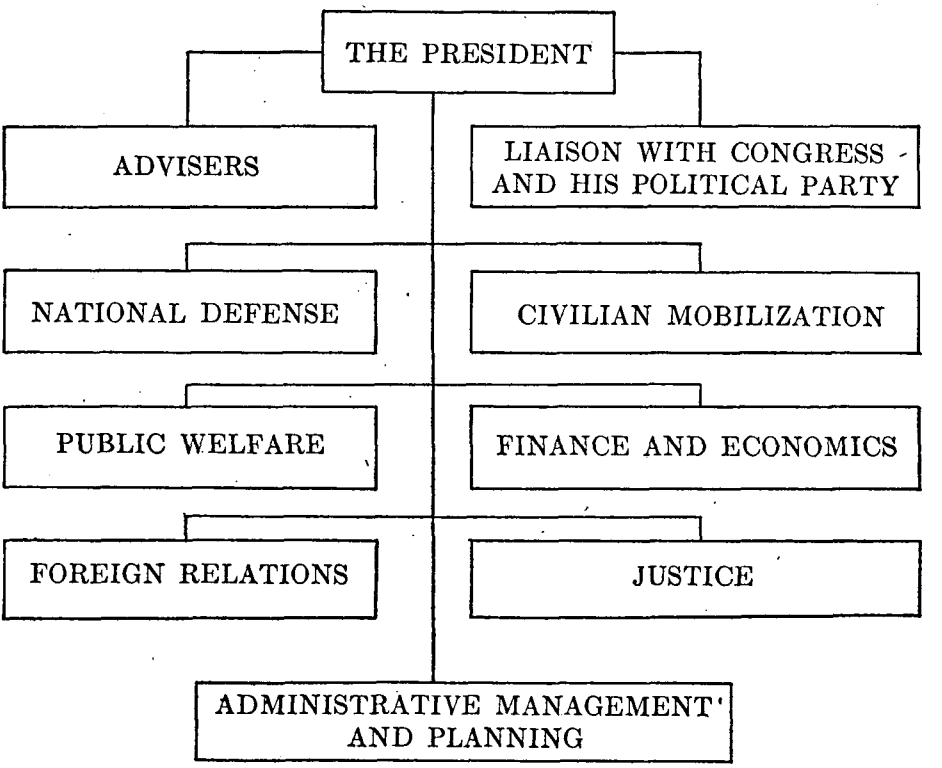
less than twenty, and perhaps to as small a number as twelve. It would not reduce the number of contacts which he must make in other capacities as head of the state, for example, with the diplomatic representatives of other countries. The major division of functions which would be made can be seen from the following chart:



The proposed make-up of the several major departments will be discussed separately.

IV. THE DEPARTMENT OF NATIONAL DEFENSE

Under the Department of National Defense would fall the present War and Navy Departments from among the major executive departments, and such other agencies concerned with our national defense as the Office of Censorship, the Maritime Commission, and the Coast Guard, as well as such joint agencies of the War and Navy Departments as the Joint Chiefs of Staff, the Joint Aircraft Committee, and the Munitions Assignments Board. The necessity for the coördination of the two major agencies, War and Navy, has long been made clear by the existence of the

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joint committees referred to, and the lack of coördination between them has made the existence of such committees, at times, futile or ineffective, when the alternatives of non-coöperation existed. They could now become divisions of the consolidated organization, reporting directly to the Secretary for National Defense.

The Air Services would not be segregated from War and Navy and combined into a third military organization. Aircraft, when used as a part of naval operations, is an integral part of strategy planning and performance, if such strategy is to be successful, and when used in naval operations, there should be a single control over both. The same applies to land operations in collaboration with the Army. Lack of collaboration between the Royal Air Force and the Royal Navy during the British attempt to resist German invasion of Norway was a major cause of British failure.

The Maritime Commission would be made a permanent part of this agency in order that the Navy might have peace-time functions which would enable it to maintain economically a somewhat larger personnel in time of peace than would otherwise be the case, and to keep it in fighting and working trim. The vital relationship of our merchant marine to the Navy becomes immediately apparent in time of war, and it should be maintained throughout the period of the peace in sufficient strength to meet our military requirements. Likewise, the exercise of coast guard functions by the Navy would be another practical and economic outlet for the services of men being trained in the peace-time Navy. Likewise the Army should be used. Dams, highways, bridges, and other public works can well be built by Army engineers and enlisted men and the use of Army construction equipment as well as transportation equipment. Conservation work can well be done by Army men, and for such work many federal agencies should be empowered to request the use of enlisted military personnel in peace-time. For the discovery, consideration, and coördination of such opportunities for use of military personnel, a permanent Service Usage Committee should be established in the Department of National Defense.

Lastly, to create a war-time Army and Navy in the shortest possible time, using the nucleus of trained and hardened personnel, a permanent Military Training Plans Committee should be maintained in time of peace to see that mobilization and training are as rapid as possible in time of war.

V. THE DEPARTMENT OF PUBLIC WELFARE

The Department of Public Welfare would be one of the major federal agencies under the proposed reorganization, and would be, in peace-time, by far the largest. It would include, in addition to five of the present executive departments (i.e., Agriculture, Commerce, Labor, Interior, and

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the Post-Office), such other federal agencies as the Federal Security Agency, the Federal Works Agency, a Scientific Research and Planning Agency, a National Labor Board (which should have the present functions of the National Labor Relations Board and of the National War Labor Board), the National Housing Agency, the Railroad Retirement Board, the Veteran's Administration, and the Tennessee Valley Authority, among others.

Some internal consolidation should probably be made in this group, and might be highly desirable to avoid duplication and to cut down on the total number of federal personnel. For example, there might be a functional organization or segregation of functions within the Department of Public Welfare as a whole, which would establish a single Division of Architectural Planning, a single Division of Construction Engineering, and a single Division of Maintenance Engineering for all such functions connected with the Federal Works Agency (this has not been done internally for the Federal Works Agency, which includes Public Roads, Public Buildings, Works Projects, and Public Works, nor for the National Housing Agency), the National Housing Agency, the Veteran's Administration, the Tennessee Valley Authority, and the Department of Interior. Such functional organizations should enable the government also to recruit and to make the maximum use of the highest talent in these fields, so that outstanding architects could be brought in to work from time to time on public buildings, on public housing, and on other engineering projects. Such talent, once recruited, would not be limited to a single aspect of government operations. Such functional organization should be practiced in each of the new large departments.

Furthermore, the Railroad Retirement Board and the Veteran's Administration should be placed in the Federal Security Agency. The scope of the Federal Works Agency might well be expanded to cover all federal public works, and the scope of the Tennessee Valley Authority might be expanded to make it an office of Economic Rehabilitation for all areas of the country.

VI. THE DEPARTMENT OF FOREIGN RELATIONS

The Department of Foreign Relations, or State Department, would include the present Department of State, the Office of the Coördinator of Inter-American Affairs, and a portion of the Board of Economic Warfare. The unsavory title of the Board of Economic Warfare should be dropped, and real and effective liaison should be established between the Department of Foreign Relations and the Department of Finance and Economics with regard to our foreign economic relations. This liaison would probably entail several permanent functional coördinating committees erected jointly between the two departments.

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VII. THE DEPARTMENT OF ADMINISTRATIVE MANAGEMENT AND PLANNING

The Department of Administrative Management would consolidate all housekeeping services of the federal government for the President, or his controls over them in those cases in which the actual operations are conducted by the individual agencies. In addition, it would provide a stronger management planning and analysis organization and substantive program planning organization than he has yet had, even temporarily, for planning and analyzing the *what* and the *how* of federal government. Whereas he has formerly had to set up such facilities on a temporary basis, and for specific purposes, he should now have them available at all times.

On the housekeeping side, the Department of Administrative Management and Planning would include such agencies as the General Accounting Office, a Civil Service Administrator (note that this would be changed from the present commission form of civil service administration to a single Administrator as recommended by the President's Committee on Administrative Management), a Procurement Administrator (administering the present procurement functions of the Treasury Department), a Budget Administrator (administering the present functions of the Bureau of the Budget, except those of its Division of Administrative Management), the Government Printing Office, the Employees' Compensation Commission, and a new Division of Miscellaneous Agency Services. The Government Accounting Office, the Government Printing Office, and the Office of Procurement Administration might well be consolidated into a single Services Division.

The Miscellaneous Agency Services Division would provide all administrative services for the polyglot collection of minor but permanent agencies attached to the federal government such as art galleries, the Archives of the United States, the Architect of the Capitol, and others, and to all temporary commissions and committees of the federal government, including international commissions. This centralization of housekeeping services would be on the pattern of the present Division of Central Administrative Services of the Office for Emergency Management, one of the most interesting current experiments in war administration.

On the analysis and planning side, there would be two major divisions—the Division of Program Analysis and Planning, concerned with the *what* of national government function, and the Division of Management Analysis and Planning, concerned with the *how*, and its effectiveness.

The Program Division should include permanent staff agencies to the President such as the National Resources Planning Board and the Federal Council of Personnel Administration, as well as such special agencies set up from time to time as the President's Committee on Civil Service Improvement (Reed Committee), etc.

The Division of Management Analysis and Planning should be equipped

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for and have authority to do an incisive job of establishing criteria for, and measuring effectiveness of, governmental operations in all their aspects in so far as efficiency of organization and function are concerned. It should be able to study organization and methods of foreign governments as well as domestic government at all levels and private corporate organization and procedures, and serve as a clearing-house for such information. It should also include such special agencies set up from time to time for these purposes as the President's Committee on Administrative Management.

The management analysis and planning functions should be taken out out of the present Budget Bureau in order that their separate importance might be recognized, and that their imagination might never be hamstrung unduly by considerations of cost, which might cloud the vision of budget-minded administrative analysts and planners. Not that cost should be disregarded, of course; but frequently short-run economies prove short-sighted and false economies.

In general, the bodies whose functions were concerned with administrative management would have their policies controlled by, and would report technically to, the head of the Department of Administrative Management. Other bodies would be given administrative services centrally by miscellaneous agency services only for convenience, and would not, of course, have their policies controlled by it. This would be particularly apparent, for example, in the case of joint international commissions.

VIII. THE DEPARTMENT OF FINANCE AND ECONOMICS

The Department of Finance and Economics would include the present Department of the Treasury, and in addition such other agencies as the Federal Reserve System, the Federal Loan Agency, the Federal Deposit Insurance Corporation, and certain portions of the Board of Economic Warfare. If the problems of economic stabilization are to be treated permanently by the federal government, the Office of Economic Stabilization might well also be included here. The twin duties of financing the government and of maintaining the financial and economic structure of our whole society would be the task of this department.

IX. THE DEPARTMENT OF JUSTICE

The Department of Justice would include not only the present Justice Department but also all regulatory commissions of the federal government concerned with maintenance of economic and social justice as well as legal justice, such as the Federal Trade Commission, the Interstate Commerce Commission, the Securities Exchange Commission, and the Federal Power Commission.

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X. THE DEPARTMENT OF CIVILIAN MOBILIZATION

The Department of Civilian Mobilization would include all agencies necessary to mobilize every man, woman, and child, and our economy, for war, except for the actual conduct of military operations. This is one need by which Congressional critics today are motivated, i.e., for a single coördinated force, directing the civilian war program and uniting the efforts of everyone concerned in it. This Civilian Mobilization Department would include the present War Production Board, the War Manpower Commission, the Office of Price Administration (with both its price and rationing functions), the Office of Civilian Defense, the War Relocation Authority, the Lend-Lease Administration, the Alien Property Custodian, the Office of Economic Rehabilitation, which services foreign countries and reoccupied areas, and if the economic stabilization functions are to be necessary or to be performed by the Federal Government only during war-time, the Office of Economic Stabilization. In addition, there should be a Division of Mobilization Planning, which would be among the most important of all, and which would be the major portion of this department during times of peace, planning whatever steps might be necessary in case of future wars. M-day, the bogey which frightened so many liberals during the last peace, it has turned out, would have been the most desirable development we could have had in this war. The fact that M-day has not yet come wholly or successfully in this country is one of the major failures in the conduct of our present military effort.

The Selective Service System (as under one of the most recent reorganizations by the President) would be under the Manpower Commission or Manpower Administrator. The mobilization of the nation should not again be undertaken without careful planning, and without knowledge in advance of what the military and civilian requirements for manpower and womanpower are to be. Neither should such mobilization be undertaken without a knowledge of what the actual skills and abilities possessed by the nation are—that is, what its manpower and womanpower are in terms of skills as well as in terms of numbers, usably related to the requirements of the war effort. For this purpose there should be maintained factual information on the skills of the whole people, similar to that maintained during recent years by the National Roster of Scientific and Specialized Personnel. Such a roster, plus examination scores where examinations for measurements of specific skills have been given, would be of great use during peace-time as well as during war-time, and should be the basis upon which the Civil Service Administrator of the federal government would make his selection of personnel, and should be freely available for other governmental jurisdictions so that they might select personnel therefrom, and to private industry and to universities, research foundations, and others interested in securing highly competent and skilled per-

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sonnel on their staffs on a merit basis. Reciprocal arrangements might well be worked out whereby such a special roster would be available to the other American Republics, and whereby we could secure from them information on their most highly trained and skilled personnel, certainly in the most critical fields, where international exchange would be economically as well as culturally profitable.

Such is the proposed outline of the major segregation of functions. Further details may be sketched in by the reader, until every federal agency is properly placed. Certainly problems would be encountered which might present us with the dilemma that faced Solomon, whether to split an apparently unitary agency or to give it in entirety to one or another of the claimants. But the combination of agencies can do no more violence to the federal functions than their multiplicity has done heretofore.

XI. POSSIBLE ORGANIZATION INTO SIX DEPARTMENTS

An alternative arrangement might reduce the number of departments to six by placing the present Department of Justice and the independent regulatory commissions under the Department of Public Welfare. This would be highly desirable from the standpoint of emphasizing the fact that they are concerned with welfare, rather than being entirely stern, cold, and negative, and of making them subject to the social philosophy of the Department of Public Welfare. This is not proposed here, however, because of the already immense responsibilities which the Public Welfare Administrator would have.

XII. CHARACTER OF RESPONSIBILITY OF DEPARTMENT HEADS

The character of the responsibility of each of these executive department heads must be outlined in order to make clear the character of the reorganization proposed. Essentially, these men should be coördinators and planners, rather than line supervisors. No man, however wide his interests and his talents, however much time and driving energy he devoted to the problem, could give line supervision to each aspect of the program of all of the agencies proposed to be placed in the Department of Public Welfare. The fact that that number of agencies constitutes an impossible span of control for that type of relationship points up even more sharply the impossible task which the President now has, to control, not only all of those agencies, but so many more. The head of the Department of Public Welfare, therefore, would be a policy-maker, a direction-setter, and a source of advice, counsel, and direction on problems which might otherwise have to be taken to the President. The type of operation proposed can best be pictured if one supposes that each constituent agency of these major departments, short of realignments and consolidations within the departments, should continue operating in precisely the same

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fashion that it now does, except, of course, for present titles of the departments; and except that housekeeping services would be centrally provided for each department, there would be a greater policy integration and coördination due to these functional groupings, and that problems, which otherwise would be taken to the President would be taken rather to the department head. The department head should be kept free of all operating responsibilities, such as the issuance in his name of procedures, publications, press releases, and memoranda of many various sorts, or his review of such material; the review by him of individual administrative orders or regulations issued to the public or portions of it, if such were among the duties of the agencies which he coördinates; for the planning or direction of individual aspects of individual programs. Only by such freedom can he possibly have the over-view necessary to set a consistent and foresighted policy or direction for the programs of such diverse agencies, and thus keep them all moving in the direction which is the objective of the President and people.

Agencies of quasi-judicial form, that is, boards or commissions, would remain only where quasi-judicial functions were to be performed, and in such cases would retain judicial autonomy on policy matters; that is, they would receive administrative services only from the department of which they were nominally a part, and would not have their quasi-judicial determinations reviewed by administrative officials. Of course, in case any such agency began to be consistently out of line with the policies of the President, it should be the function of the department head to recommend the replacement of individual members or of all members of the body.

The head of the department should be primarily responsible for the selection of candidates for all of the administrative, technical, and quasi-judicial posts within his bailiwick, and for recommendation to the President of all acceptable candidates for such posts. The final selection and appointment should still be a function of the President, if he is to be able to effectuate his policies properly.

The Administrative Assistants to the President recommended by the President's Committee on Administrative Management—and currently in charge of Personnel, Emergency Management, Lend-Lease, and aid to China, have not succeeded in relieving the President (with the exception of Harry Hopkins on Lend-Lease) as intended because of their very anonymity and lack of authority. Problems are taken to the President rather than to them. While the President may need to retain such a group of staff assistants to whom he can refer problems, he also needs a stronger group of more responsible and more lime-lighted buffers to help him carry the burden of administration.

XIII. SOME PROBLEMS

Only brief mention of problems can be made. The major problem, and

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one which may mean an actual increase in some respects in the difficulty of administering the federal government, is that of recruiting men of sufficient social vision, analytical ability, and administrative talents to fill posts of such wide and crucial social responsibility. To concentrate so much responsibility and power in so few positions is to incur great risks of catastrophe—to put all of your administrative eggs in seven baskets. There is something to be said for today's dispersion of power as a means of spreading the risk of picking poor administrators. This problem of recruiting appropriate administrators will be complicated by that of attempting to get the Congress and the people to raise the compensation sufficiently to assist in proper selection; but compensation alone will not at all solve the problem.

Another problem, similar to that of overcoming long-accustomed habits of thinking with regard to compensation for the federal government, will be the problem of stirring the lethargy of the Congress and people and revamping long-accustomed habits of thinking with regard to the mere number and names of federal agencies. It is not easy to overthrow habits of such long standing, whatever the logical merits of the case.

Compensation of the top administrative positions is a serious problem in itself, and one which has long continued. The compensation of the more responsible positions in the federal government needs to be drastically raised, in order to command the ability and training which the federal government needs in posts of such immense responsibility. During the period of the war, talent can be commandeered from outside on a sacrifice basis, but the federal government cannot, and should not, expect permanently to operate only on the basis of securing administrators who contribute their services as a personal sacrifice to the general welfare. Frequently it is impossible for persons with great ability to make such sacrifices.

The posts of heads of the seven departments proposed under this arrangement should pay not less than fifty thousand dollars a year. The positions as heads of the constituent agencies, such as the present executive departments and the major other agencies, should pay not less than twenty thousand dollars; and compensation for subordinate positions should be raised correspondingly in the higher brackets.

There is also great need for the establishment of some system for relating federal compensation to the cost of living, so that it could fluctuate upward in periods of great shortages in the labor market and back downward in periods of less stringent needs for manpower and womanpower. The present federal compensation system pays far too little for top positions, far too little at present for the lowest grade positions, and far too much for the lowest grade positions in time of peace. Such periods as this force federal compensation upward without permitting it to go back down when the labor market eases and the cost of living goes downward.

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XIV. RESULTS

The benefits to result from such a reorganization may be summarized very briefly as: better effectuation of policy, more rapid action, and economy of men, money, and material. These benefits can be secured because the smaller number of agencies dealing with any particular problem would stop outright duplication of effort (of which a large portion is, of course, complete waste), and would reduce the need for coördinating commissions, committees, meetings, and individual liaison officers, which have grown into a complete underbrush jungle of confusion in Washington. As the number of clearances, coördinations, and agreements necessary for any action becomes greater and greater, the possibility of action and the probability of agreement on it become less and less. The unification of policy which would result would mean that more and more parts of our government would be moving in the same direction at the same time, rather than taking contrary actions which offset each other or which delay the achievement of the objectives of our expressed will. There will be fewer and fewer times when complete stalemate is reached because two or more agencies, each charged with *portions of the responsibilities* for the same function, cannot agree, sometimes because of such relatively trivial matters as personal antagonisms, and with no one person having authority to make a decision and to pursue action. Functional reorganization within certain of these departments should result in economy of men and materials and therefore of money, if such functions as legal counsel, architecture, construction, public information, and so on, can be centralized for large areas of the government. Likewise, each department would have all of the regular housekeeping services centrally provided, which should result in further economy.

As a result of the proposed reorganization, the President would be freed from the crushing load of responsibility now resting on his shoulders and making the office so difficult a job. He would be freer for long-range thinking and planning for the achievement of his objectives, and would be able to devote as much attention as necessary to all aspects of the administration. This has not been possible in recent years, with the result of leaving certain aspects of administration long untouched—even until complete breakdown comes about—and in such times as these, leaving large problems of civilian policy, scarcely less important than those of our actual military operations, untouched because of the greater urgency of the military problems and their completely time-consuming nature. It should permit our Chief Executive to be just that, and our entire government to function more smoothly, expeditiously, and forthrightly.

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MUNICIPAL AFFAIRS

THE INITIATIVE AND REFERENDUM IN CITIES

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Direct legislation has returned to excite considerable interest after a quiet period of a few years in which the traditional legislative processes were allowed to operate undisturbed in the states and cities. Old age pension plans put before the voters by initiative petitions in Colorado, California, and Ohio have excited more inspection of direct legislation procedures than at any time in their history. Several studies have been made of the laws governing the initiative and referendum, and also of their operation in the states.[1] No less significant than state-wide initiatives and referenda have been the anti-picketing and labor regulating initiatives in Los Angeles; ordinances in San Francisco, Los Angeles, and Oakland, California, requiring two operators on street cars; attacks upon proportional representation in New York by petitions; attempts by labor organizations in Detroit to set policies regarding working conditions on the city's street railways by initiative ordinances; or the attempts by firemen and police in many cities to obtain civil service and pension systems through the same device. Several of these cities now have approximately thirty-five years of experience with municipal direct legislation.

Numerous factors in American municipal politics have combined within the past fifty years to develop a sentiment for laying upon the electorate a portion of the responsibility for determining local policy. The idea that the voters of the municipality should be allowed to decide certain policies was developed chiefly by the home rule movement.

The right to petition the executive or the legislature for redress of grievances has been at the root of our governmental development. Nevertheless the idea that the people should participate directly in the legislative process through the petition method is a comparatively recent development. In 1897, the Nebraska legislature passed a general enabling statute permitting municipal electors in that state to use the initiative and the petition referendum to legislate on municipal problems.[2] In the

[1] V. O. Key, Jr. and Winston W. Crouch, *The Initiative and the Referendum in California* (Berkeley, 1939); California State Chamber of Commerce, *Initiative Legislation in California* (1939); Colorado Legislative Reference Office, *The Initiative and Referendum in Colorado* (1940); James K. Pollock, *Direct Legislation in Michigan* (Bureau of Government Research, University of Michigan, 1940); E. A. Cottrell, "Twenty-five Years of Direct Legislation in California," *Public Opinion Quarterly*, Jan., 1939, pp. 30–45; Winston W. Crouch, "The Constitutional Initiative in Operation," in this REVIEW, Aug., 1939, pp. 634–645.

[2] *Equity*, Oct., 1917, p. 201; see also Enos v. Huff, 98 Neb. 245, 152 N.W. 397.

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following year, two California cities, San Francisco and Vallejo, established direct legislation procedure through their freeholder charters.[3] A constitutional amendment approved in 1902 permitted California voters to amend city charters by initiative petitions.[4] After Des Moines drew attention to the commission plan of city government in 1907, a large number of states adopted initiative and referendum for use within commission-governed cities. Neither the initiative nor the referendum has been regarded as inimical to the manager-council plan, although they have not been pushed vigorously in cities having that plan. The National Municipal League held in its Model Charter that direct legislation and civil service were necessary adjuncts of this newer system. Today every state except Delaware, Indiana, and Rhode Island permits use of one or both of the direct legislation devices in certain classes of cities. The petition referendum has the wider acceptance.

Municipal direct legislation assumes a number of different forms. Most frequently, the municipal electorate is permitted to initiate ordinances by the petition method. In a smaller number of instances, charter amendments may be proposed in the same manner. California permits the calling of an election for a board of freeholders by petition signed by fifteen per cent of the qualified electors. At least five types of referenda, however, may be found in the American cities. First is the compulsory referendum of charters and charter amendments in home rule states. Such matters usually originate with the city council, but must be submitted to the voters. The compulsory referendum of bond issues is similar in nature, except that many jurisdictions now require a two-thirds affirmative vote for such matters. California, for example, has required this for several years, but a new problem has been presented as revenue bonds have gained in favor. In voting approval of revenue bonds in a charter amendment, only a simple majority was required. The third type of referendum is the one most usually met. This is the petition referendum against ordinances that have passed the council and against which petitions have been filed. Many city councils have made use of a fourth form—the advisory referendum, or "straw vote." Ordinarily such action has no binding effect upon the council's decisions. San Francisco has a unique type of public policy referendum which does have binding effect. It may be instituted either by the mayor or by one-third of the board of supervisors (city council) if the board is unable to agree on a matter. The proposition is submitted to the electorate in the form of a broadly phrased question. If it is approved by a majority of those voting, the board must then pass the necessary legislation. In the ten years this feature has been

[3] San Francisco: *Cal. Stats.*, 1899, ch. I, p. 241; Vallejo: *ibid.*, 1899, ch. V, p. 370.

[4] *California Constitution*, Art. XI, sect. 8. Oregon allowed its cities to amend their charters by initiative after 1907. *Oregon Laws*, 1907, ch. 226.

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available, the mayor has submitted two propositions and a council minority proposed one.

Development and operation of these devices have been fraught with many difficulties, legal as well as political. Many of the statutes and charter provisions setting forth direct legislation procedure were poorly drawn. Often this was due to the fact that the legislatures and charter committees copied statutes or charters of other states and cities without reconciling the provisions with the constitution and laws of their own state.[5] The Oregon statute and the city charters of Portland and Los Angeles were followed in many instances. A few states attempted a legislative short-cut by enacting a state-wide initiative and referendum law and then drafting a law for the cities that read: "The same responsibilities shall rest upon corresponding municipal officers as are placed upon state officers by the previous state statute." The structure of municipal government does not, however, always remain comparable to that of the state.[6]

Twelve states have reserved to municipal voters the powers of initiative and referendum by state constitutional amendment.[7] Clearly in the case of the municipal initiative and referendum, this was an advantageous move. This was brought out succinctly by Judge Personius in Reycroft v. City of Binghamton when he said: "The power to provide for referendum must be found in the Home Rule Law. Otherwise it is unauthorized. Direct legislation in cities must always rest on some constitutional or statutory grant of power. Government by representation is still the rule, direct action by the people is the exception."[8]

In a contemporary case in Montana, the judge had occasion to point out that the people of that state had reserved to themselves the right to exercise the initiative and referendum.[9] Therefore "statutes enacted in aid of this power should be liberally construed, and should not be interfered

[5] An example of the difficulties that sometimes result is shown in State *ex rel* Crow v. Carruthers, 204 Mo. 209, 222 S.W. 857 (1930). The Missouri recall law was copied from the Oklahoma statute. It required the city clerk to check the petition against the "voters' register." The difficulty in this case brought out the fact that Missouri cities had no register by that title.

[6] See Foster v. Young, 149 Okla. 19, 299 Pac. 163 (1931); *In re* Initiative Petition No. 2 of Cushing, 157 Okla. 54, 10 Pac. (2nd) 271 (1932).

[7] Arizona (1912); Arkansas (1909); California (1912); Colorado (1910); Maine (1908); Maryland (1915); Nevada (1912); Ohio (1912); Oklahoma (1913); Oregon (1906); South Dakota (1898); and Utah (1930).

[8] 138 N.Y. Misc. 257 (1930); Mills v. Sweeney, 219 N.Y. 213, and McCabe v. Voorhis, 243 N.Y. 401, quoted. A somewhat different situation is reflected in Southwestern Tel. & Tel. Co. v. City of Dallas, 104 Texas 114 (1911). Here the court took the view that "there is nothing in our constitution which forbids the legislature to submit proper subjects to the voters of a city by the initiative." Dallas derived its power of initiative and referendum from its freeholder charter, not from the state constitution or any specific statute.

[9] State *ex rel* Freeze v. Taylor, 90 Montana 439, 4 Pac. (2nd) 479 (1931).

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with by the courts, except upon a clear showing that the law is being violated."

Early in its history, municipal direct legislation was held constitutional.[10] The United States Supreme Court has ruled that this is a domestic matter to be decided within the state, and has nothing to do with a republican form of government as guaranteed by the Constitution.

Even the most ardent advocates of direct legislation have seldom contemplated that the initiative and referendum be used for every type of measure that might normally go before a city council. State laws and charters often prohibit the making of appropriations by initiated ordinances, and also exempt appropriation ordinances from the referendum. The tendency in recent charter-drafting has been to increase the number of prohibited subjects.

The courts of some states have discovered limits to the use of municipal direct legislation that appear to them to be inherent in the subject. Indisputably, the people of the city may not do through popular legislation what the municipal corporation may not do through the council.[11] For example, if the state has taken over the regulation of public utilities, the people of a city may not pass an ordinance that conflicts with the state rulings. Operation of direct legislation in cities is further complicated by the fact that a city council performs two types of functions, legislative and administrative. The courts have ruled that the administrative functions of the council may not be usurped or interfered with in any way by direct legislation. What constitutes legislation, and what may be defined as administrative acts, has not been agreed upon. In some cases, it has been argued that if the distinction is to be made, the type of enactment may determine the nature of the action. That is, if the council passes an ordinance, the subject is legislative in nature and therefore a referendum may apply, or the intiative may be used to amend it or to propose a comparable subject. If, on the other hand, a resolution is the usual means of enacting a measure, it would be assumed, the matter is administrative, and therefore not proper for popular action. This argument was supported in a Nebraska case in 1922.[12] However, in 1925 the Oregon supreme court rejected this idea in Campbell v. City of Eugene.[13] The court said: "The distinction between acts that are legislative and those that are administrative is not destroyed by reason of the fact that the character of the city may require the latter to be accomplished by an ordinance." Here the court was rejecting a plea that an ordinance calling a bond election was

[10] Kadderly v. Portland, 44 Ore. 118, 74 Pac. 710 (1903); *In re* Pfahler, 150 Cal. 71, 88 Pac. 270 (1906).

[11] People v. Willer, 37 Cal. App. (2nd) 729, 93 Pac. (2nd) 872 (1930).

[12] Schroeder v. Zehrung, 108 Neb. 573, 188 N.W. 237 (1922).

[13] 116 Ore. 265, 240 Pac. 418 (1925).

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invalid because the act set the date of the election before the expiration of the time required for measures to rest pending circulation of referendum petitions. The court attempted to lay down a general rule by saying: "Whatever may be the requirement as to the form of the enactment, the action of a municipal council relating to subjects of a permanent or general character is municipal legislation, while those which are temporary in their operation and effect are administrative and not municipal legislation."

Different reasoning in two later cases by other state courts led to a comparable conclusion. In Columbus, Ohio, a resolution of necessity starting street improvement proceedings, as directed by the state improvement laws, was originated by initiative petition.[14] This action was upheld as proper, but a proposed referendum against ordinances carrying out the resolution was invalidated. In State v. Walt, the voters of Huron, South Dakota, were permitted to have a referendum on a resolution of the council approving the conditions offered by the Federal Government for a civic auditorium, in spite of the fact that a bond issue for the building had been submitted and voted the year before.[15] The court ruled that the federal offer had changed the conditions and that therefore the proposed policy differed from that offered previously. This case may be distinguished from Dooling v. City Council of Fitchburg, which is widely quoted on this subject.[16] In this latter situation, the council had let a contract for a school building. No referendum was filed against this action, but when the council passed a resolution directing the mayor to execute the contract, petitions were filed. These were rejected on the ground that the order was administrative and not legislative.

Location of public buildings, such as a city hall and police stations, is often the subject of vigorous controversy. Occasionally such matters are submitted to a straw vote, but a resolution of the council locating a police station is not a legislative act subject to referendum.[17] The resolution is only a procedural step and does not establish policy for the city. Furthermore, proceedings demanding public improvements that are of interest to only one section or district, and the cost of which is to be assessed to local property owners, may not be the subject of city-wide referendum or initiative.[18] On the other hand, a referendum may be held against an ordinance amending the comprehensive zoning ordinance in a manner to affect only one district, because "all the electors are interested in rezoning."[19] It is a matter of general policy for the city.

[14] James v. Ketterer, 125 O.S. 165, 180 N.E. 704 (1932).

[15] 66 S.D. 12, 278 N.W. 12 (1938). [16] 242 Mass. 599, 136 N.E. 616 (1922).

[17] Burdick v. City of San Diego, 29 Cal. App. (2nd) 565, 84 Pac. (2nd) 1064 (1938).

[18] Starbuck v. City of Fullerton, 34 Cal. App. 683, 168 Pac. 583 (1917).

[19] Dwyer v. City Council of Berkeley, 200 Cal. 505, 253 Pac. 932 (1927).

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Municipal employee groups, particularly police and firemen, have used the initiative to set salary schedules for themselves with the voters' approval. Is this administrative or legislative? In Iowa, it was judged to be an administrative act, and that the initiative could not be used.[20] In Illinois, a lower court ruled that it was legislative and a proper subject for initiative in a commission-governed city; but the higher court reversed this position.[21] In an earlier case in Missouri, a broader viewpoint was enunciated. The specific point of classifying the action was not in question. However, the court held that an initiated salary ordinance was not an appropriation ordinance. The salary ordinance did not provide for a certain number of employees; nor did it set the total expense. It determined the salary policy.[22] Hence it did not violate the responsibilities of any officers responsible for budget details. Similarly in Houston, Texas, it was ruled that inasmuch as the creation of an office was a legislative act, the setting of compensation for the office must be legislative also. Therefore an initiative ordinance might set minimum salaries for firemen.[23]

Most problems connected with preparing and circulating petitions for initiatives and referenda within cities differ very little from those concerning state-wide proposals. The number of signatures required, however, varies widely among the cities. The majority of statutes and charters fix the requirement in terms of a percentage of the votes cast at the preceding general municipal election for some officer, usually the mayor. Some base it upon a percentage of the entire vote cast at the last general election; whereas a few use the vote for governor. Such bases were perhaps satisfactory when registration statistics were faulty. Today, however, with permanent registration of voters adopted extensively, a percentage of the registered voters would undoubtedly be a much better measure of the popular support of a direct legislation proposal.[24]

Argument has long raged over the question of whether proponents of an initiative or a referendum should be allowed to circulate the petition from door to door or should be restricted to some central place such as the city clerk's office. In practically all jurisdictions, the circulation method has won. The Pennsylvania general law governing third class cities illustrates the opposite method. A hundred qualified electors may request the city clerk to prepare a petition.[25] The clerk then publishes a statement

[20] Murphy v. Gilman, 204 Iowa, 58 (1927).

[21] People *ex rel* Holvey v. Smith, 260 Ill. App. 166 (1931), overruled by People *ex rel* Holvey v. Kapp, 335 Ill. 596, 189 N.E. 920 (1934).

[22] State *ex rel* Mulvay v. Miller, 285 S.W. 504 (1926).

[23] Taxpayers' Assoc. v. City of Houston, 129 Texas 627, 105 S.W. (2nd) 655 (1937).

[24] This is now used in California in all cities operating under the general law. *California Elections Code*, Sects. 1711, 1712. Most chartered cities have other requirements.

[25] *Purdon's Pennsylvania Statutes*, Title 53, sects. 12198-1030.

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notifying the citizenry where and when the petition may be signed. The petition remains in the clerk's office ten days, and all signing must be done in the presence of an official. The results under this law seemingly support the contention of those urging the right to circulate petitions: central signing is so restrictive as nearly to nullify direct legislation efforts altogether.

From the standpoint of convenience to the city clerk and of the accuracy of checking petitions, the central signing method is, of course, to be preferred. A considerable amount of legislation has been passed, however, imposing burdens upon petition circulators and signers in an effort to weed out ineligible signers and to guarantee accuracy of the checking. If the statute or charter is fairly specific as to the procedure, the clerk may not go outside the petition and registration records to determine validity of the petition.[26] The Ohio law makes a provision for sponsoring petitions that might well be adopted elsewhere. The group sponsoring a proposition may designate a committee of three to file the petition and watch its progress while being checked. After the measure goes to the council, this committee acts as a steering group.

A point that has caused much difficulty among groups attempting to pass or defeat direct legislation measures is that regarding withdrawal of signatures. Opponents often attempt to pursuade signers to withdraw their names at the last minute, thereby causing confusion among the proponents and in the city clerk's office. Most states appear to permit signers of petitions to withdraw their names, for any reason, until the clerk has certified the petition to the council.[27] The California courts have ruled in a manner that permits more orderliness. Withdrawing of names is limited to the period before the filing of the petition. The city clerk is clerk of the council, and therefore these courts regard filing of a petition with the clerk as equivalent to filing with the council.[28]

Once an initiative petition has been certified to the council as sufficient, that body usually has a fixed period in which to pass the measure, refuse action, or propose a substitute. Rarely do councils adopt measures that have been proposed by petition. If the council intends to adopt a measure urged by substantial groups, it will have done so before the signatures can be obtained to a completed petition. Instances in which the council proposes a substitute are rare also. One example of such action occurred in Los Angeles in 1927. The city planning commission had presented a zoning plan to control development along a newly completed boulevard in the

[26] Ley v. Dominguez, 212 Cal. 587, 299 Pac. 713 (1931).

[27] Fleming v. Fones, 230 Mo. App. 1147, 91 S.W. (2nd) 208 (1936); Ford v. Gilbert, 89 N.J.L. 482, 99 Atl. 621 (1916).

[28] Uhl v. Collins, 217 Cal. 1, 17 Pac. (2nd) 99 (1932); Knowlton v. Hezmalhalch, 32 Cal. App. (2nd) 419, 89 Pac. (2nd) 1109 (1939).

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neighborhood of what is now the state university campus. This plan was opposed by a group of property owners, who initiated an ordinance embodying their ideas. The city council placed the commission's proposal on the ballot in competition with the initiative. The commission's plan won. A different type of situation was illustrated in Santa Monica, Cal., in 1933. A group of citizens initiated an ordinance to prohibit the operation of a type of gambling game then very popular in that beach resort city. A second initiated ordinance would have permitted the game only in a restricted concession area. The city commission thereupon submitted two competing measures, each of which would have extended the use of the gaming equipment. After a moderate campaign, the voters adopted the initiative ordinance that prohibited the game, but did so only by a small margin.

As a usual thing, the council allows the initiated measure to go before the voters at the next general municipal election. The council may call a special election if it wishes. In a number of states, provision is made whereby a petition may be presented with a larger number of signatures than ordinarily required, and thus force the calling of a special election. Fear that determined minorities might cause frequent calling of special elections has caused most cities to restrict the calling of such events to no oftener than once in six months. This fear seems in practice to have been unfounded. In a few instances, the law requires proponents of a measure to underwrite the cost of a special election.

Certain types of measures tend to appear a second and third time when defeated, although none show quite the tenacity of the single tax and old age pension plans in the state elections. In Detroit, five propositions have appeared more than once.[29] In Los Angeles, liquor control measures were frequent subjects of initiative until national prohibition was adopted. Both the "wets" and the "drys" circulated petitions. Regulation and restriction of jitney busses was another perennial for several years. It has since given way to proposals for municipal ownership of bus lines. Many people profess to see obnoxious features in this repetition of proposals. To counteract it, some have proposed prohibiting the "same" measure from appearing on the ballot again for a period of years after it has once been defeated. No satisfactory suggestion has as yet appeared that recognizes the fact that no two of these measures are the same in detail. Much of the time they are not presented by the same sponsors.

The municipal initiative, much like the state-wide, nearly always enjoys special legal protection. By their very nature, most initiatives represent a successful effort to oppose or skirt around the city council;

[29] A study by the Detroit Bureau of Governmental Research shows change of bond limits three times; increase of size of council, and city employees' pensions, firemen's pensions, and municipal railway working conditions, each twice.

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hence the council may be expected to cut down or repeal the measure whenever popular support has dwindled or grown apathetic. One type of protection requires all measures that have been approved by vote of the people to be amended or repealed only by vote of the people. The council may, however, propose amendments or repealers. A second type of protection places such immunity around the measure for a period of only two or three years. That it is desirable for the council to be able at least to propose amendments may be illustrated by an experience in Los Angeles. In 1916, the city firemen initiated an ordinance setting salary practices and defining the structure of the fire department. Not long afterwards, it was discovered that the two assistant chiefs would draw more salary than the chief! Amendments to correct that feature and others in the act have been proposed by the council from time to time and approved by the voters of the city.

Circulators of petitions for referenda generally face the task of working against time. Measures that are referable go into effect from ten to ninety days after having been passed, depending upon the provisions of the general law or the charter. During that period, the opponents of the ordinance must circulate their petitions and present them for checking. If the petition complies with requirements, the ordinance is suspended until the next election. Because of the limited time allowed for petition work, the definition of the precise time at which an ordinance is "passed" is important. This is usually determined from the time the clerk proclaims the enactment of the legislation.[30] It would seem obvious, then, that a referendum will lie only against a measure that has finally passed and been published. Yet on one occasion in Oakland, Cal., a referendum petition was filed against a firemen's pension ordinance before it had completed third reading in the council. The petition was allowed to go before the voters at the next election, and the pension plan was upheld by a majority vote! Some years later, when the court was asked to determine an employee's rights under the supposed law, the manner of its origin was brought out.[31]

The Oakland case and one in Ohio indicate that the initiative and referendum are distinct processes and cannot be used interchangeably. In the case just cited, appellants argued that even though the referendum procedure was faulty, the fact that a majority of the voters had approved the measure should give it validity. The court rejected this argument. The Ohio case indicates also that a determined majority of the council may outflank the direct legislation supporters. When the Ohio state department of health ordered the city of Fremont to change its source of water supply, several plans were proposed within the city. One day, an initiative petition was filed, with more than the required number of signatures,

[30] Solomon v. Alexander, 161 Cal. 23, 118 Pac. 217 (1911).

[31] Whitmore v. Carr, 2 Cal. App. (2nd) 590, 38 Pac. (2nd) 802 (1934).

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proposing that wells be drilled. The next day the council proposed a bond issue for a filtration plant, declared it to be an emergency subject, and passed the proposal with the required two-thirds vote. This forestalled a referendum. At the next general election, the voters approved the initiative; but the courts refused to direct the council to carry out the terms of the ordinance because "the effect of the initiative petition and its subsequent adoption would be nothing less than a referendum upon the measure adopted by the council."[32]

Nearly all statutes and charters that grant the power of direct legislation enumerate certain types of matters that may be termed emergency subjects, so that if measures relating to them are passed by an extraordinary majority of the council they cannot be referred. These subjects include preservation of peace and protection of health and safety. Ordinances that the state may require the city to pass are not subject to referendum. In some instances, the council is required to append a statement to an emergency ordinance explaining the conditions that required passing it as an emergency act.

When the petition referendum was first put into operation, some councils attempted to outwit their opponents by rescinding the offending measure after the petition had been filed and then repassing one practically identical with the first a short time later. If this practice had been allowed to establish itself, a kind of hide-and-seek game might have developed. It appears to be fairly well settled today that if a council repeals a measure suspended by referendum, it may not repass a similar one, but may pass one on the same subject without the parts objected to by the petition.[33]

A survey of the use of direct legislation in a few cities helps to give the highlights of experience under varying conditions. Detroit, San Francisco, and Los Angeles are all large, mayor-council-governed cities. From information available, it would appear that this class of city is inclined to place a larger number of measures before its citizens for consideration than any other. (See Table I.) It is readily noted that charter amendments constitute the largest group of measures submitted to the electorate in each of the cities. Next come bond issues. In each instance, the responsibility for starting these proceedings rests with the council.

The initiative seems to have played a minor part in the charter amending process. Although San Francisco has used it thirty-three times, no charter amendment has there been placed on the ballot by initiative since 1930. Most of the figure is accounted for in the one election of November 14, 1910. The city was then recovering from the famous graft prosecution

[32] State *ex rel* Smith v. Fremont, 116 O.S. 469, 157 N.E. 318 (1927).
[33] *In re* Stratham, 45 Cal. App. 436, 187 Pac. 986 (1920).

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TABLE I

	Charter Amendments		*Initiative Charter Amendments*		*Bond Referenda*		*Initiative Ordinances*		*Petition Referenda*		*Public Policy Referenda*	
	Proposed	*Passed*	*Proposed*	*Passed*	*Proposed*	*Passed*	*Proposed*	*Passed*	*Proposed*	*Passed*	*Proposed*	*Passed*
Los Angeles (1904–1940)	275	164	3	1	84	49	48	19	19	11	46	34
San Francisco (1898–1940)	348	191	35	13	113	65	20	8	7	2	21	9
Detroit (1910-1938)	123	102	21	10	28	21	12	10			32	24
Sacramento, manager-council (1920–1940)	15	14			53	31	2	2	2	1		
Pasadena, manager-council (1920–1940)	37	19			33	23	3	2			3	1

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trials in which its mayor and council were forced out of office. In Detroit, the Citizens' League used the initiative to submit the charter approved in 1918. On other occasions, the League used the initiative to force consideration of charter revision and to win separation of municipal elections from state and national election dates. Labor organizations have used the device to promote acceptance of wage-scale policies on city contracts, and also to determine working conditions on street railways. Several attempts have been made to increase the size of the council by initiated charter amendments.[34] The only initiated amendment approved by the voters of Los Angeles pertained to police and fire pensions. Some other measures were proposed by petition, but were submitted by the council after the petitioners had forced action.

In none of the cities has the initiative been used extensively for enacting ordinances. Los Angeles has the larger score, with fifty proposed and twenty-six passed since 1904. However, these figures include amendments proposed by the council to alter initiatives. The first subject of the initiative involved restriction upon the location of slaughter-houses. Later, moral issues involving the ousting or restriction of saloons and dance halls called forth a number of proposals. The fight between the jitney bus operators and the street car companies was carried to the ballot on various occasions over fifteen years. Labor difficulties produced competing measures in 1938. Of the seven initiated measures approved in San Francisco, but one now remains in force. An anti-picketing ordinance fostered by the chamber of commerce in 1916 was repealed by another initiative proposed by labor organizations in 1936. A plan regulating garbage disposal was supplanted by one proposed to the voters by the board in 1935. The ordinance regulating street car fares in 1913 was nullified almost immediately by a state constitutional amendment that transferred control of utilities to the state railroad commission.[35]

Information from smaller cities indicates that the initiative has been used by municipal employees to a marked extent in recent years. Police and fire pensions and salaries, general city employee pensions, and civil service for various departments have been proposed in numerous jurisdictions. It would seem that these, rather than moral or economic issues, have been most vital in cities during the past decade. Two large council-manager governed cities of California, Sacramento and Pasadena, lend evidence for that. In twenty years of operation under that plan of govern-

[34] Detroit Bureau of Governmental Research, "Direct Legislation in Detroit, 1910–1925," *Public Business*, Vol. 3, No. 15 (1925). Information on measures submitted between 1929 and 1938 was supplied the writer by the Bureau.

[35] See E. R. Zion, "Direct Legislation in San Francisco," *Transactions of the Commonwealth Club of California*, Vol. 25, pp. 548–558 (Mar., 1931).

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ment, both have had but two initiated ordinances proposed. The Pasadena measures appeared on the 1926 ballot, at a time when the council was torn internally, and pertained to police and firemen's salaries. In 1927, Sacramento passed a police salary initiative and another pertaining to labor outside the city's government.

In California, a constitutional provision allows city groups to propose an election for freeholders to draft a charter. Four cities and three chartered counties have taken advantage of this power. One of the more significant initiative charter amendments in recent years was passed by Oakland in 1930 abolishing the commission system and installing a manager plan.

The petition referendum has been used even more sparingly than the initiative. In Los Angeles, a majority of the referred ordinances dealt with public utilities and transportation. In all but two of these, the council was upheld. Zoning caused some disputes, and here the council fared less well. Miscellaneous items, such as the anti-dice-shaking ordinance and the dog license ordinance of 1926, provided much local color. The dog owners were successful in defeating the council's proposals. In San Francisco, the question of forcing the removal of cemeteries accounted for the majority of propositions. The council was worsted in all but one. Municipal employees' salaries and transportation problems constituted the remainder of the issues. The Sacramento parking meter ordinance referendum in 1937 indicates a new type of subject.

The statutory and judicial curbs have channeled direct legislation into fairly well defined boundaries. No one set of pressure groups has monopolized the direct legislation process in cities, although municipal employees may be moving in that direction. One phase of popular legislation that has suffered little diminution is the charter amending and bonding that must be submitted as compulsory referenda. These propositions have lengthened municipal ballots considerably. One very serious difficulty remains in all this development—the lack of official publicity and information concerning subjects to be voted upon. Cities, even more than states, have neglected this feature. In a few instances, such as San Francisco, the city supplies publicity pamphlets with some statement of the problem as well as the legal text. In other cities, private groups such as the Citizens' League or Municipal League undertake this function. Nevertheless, they are not successful in reaching any large percentage of the voters. Certainly the newspapers have not contributed notably to the citizens' understanding of measures submitted. Home rule and direct legislation movements have based their hopes on the belief that the voter could not long be corrupted or misled, but in these later decades they have not provided him with information on which to base his judgment.

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A realistic review of the situation would lead to the conclusion that municipal direct legislation has opened up another avenue for pressure-group fighting. Seldom are large numbers of the voters involved. However, it would be fallacious to argue that these devices have played little useful purpose. They remain, as they were intended to be, safety valves that may be turned when the combinations in city politics become too tightly held. Their very existence betokens a healthy outlook for city government.

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INSTRUCTION AND RESEARCH

WAR-TIME PRIORITIES IN RESEARCH

A STATEMENT BY THE RESEARCH COMMITTEE OF THE AMERICAN POLITICAL SCIENCE ASSOCIATION[1]

In the report of the Association's Committee on War-time Services[2] occurs the following passage: "It seems to the Committee that the customary individualism of the profession is a luxury that cannot be unimpaired in war-time; political scientists must not go through the war with a business-as-usual attitude toward research and critical writing. The crises upon the nation and awaiting the nation demand that the profession recognize priorities in its scholarly work . . . . Students, mature and immature, should know what men of affairs consider to be the more crucial issues . . . The Committee . . . does ask . . . that the profession be given leadership in determining what to do . . . . "

The Research Committee of the Association considered this challenge and sought an answer from those members of the profession who had temporarily left their academic halls and plunged into the war effort in Washington.[3] This group gave generously of their time and thought to the matter.[4] The Committee's own function became merely that of a reporter or synthesizer of the views thus expressed. It is this synthesis which this statement incorporates. The suggestions are deliberately not attributed to any one individual. In the first place, many suggestions were made by more than one person; in the second place, the total pattern is even more intriguing than the individual suggestions.

Insight was uniformly keen and the search for evaluations was noticeable, even among the most preoccupied of the administrators. The Association may be proud of the way its representatives have "kept the faith" in this regard. Interest seemed to be considerably greater in the analysis of power than in the formalities of structure or law. Not many "orthodox" problems were mentioned. One after another declared that the political

[1] Phillips Bradley, Robert Leigh, Karl Loewenstein, Joseph McLean, Walter R. Sharp, Carl B. Swisher, Francis G. Wilson, and Ernest S. Griffith, *chairman*.

[2] See this REVIEW, Vol. 36, pp. 931–945 (Oct., 1942).

[3] Those consulted were: Ethan P. Allen, Alex B. Daspit, Earle DeLong, Marshall Dimock, William Y. Elliott, Merle Fainsod, James W. Fesler, Patterson French, George B. Galloway, Harold Gosnell, E. Pendleton Herring, Arthur N. Holcombe, Harold Lasswell, Karl Loewenstein, Joseph McLean, Harvey Mansfield, Charles E. Martin, Peter Odegard, Harvey Pinney, William Ronan, Wallace Sayre, Walter R. Sharp, George A. Shipman, Carl B. Swisher, Benjamin Wallace, Kenneth Warner, and Francis O. Wilcox.

[4] One only among those consulted dissented. He expressed the opinion that scholars were and should be completely individualist, and that such an effort as that of the Committee was misplaced.

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scientist must also be a political economist, or a political psychologist, or a political geographer, or all three. Such emphasis upon the contribution to the understanding of political phenomena made by these and other sister fields of knowledge is undoubtedly the inevitable and wholesome by-product of the fact that administrators are confronted, not by discrete phenomena, but by situations in their totality and complexity. In two or three particulars, it is possible that the account that follows is a bit warped. Most serious is the possible distortion arising from the chronic frustrations of the civil servant. This may account for the relatively large number of administrative problems suggested, including the very difficult problem of public acceptance. Because of the way the question was put by the Committee, the answers laid considerable emphasis upon research tasks capable of being undertaken on college campuses.[5]

The fields and subjects for research and analysis fall roughly into four categories: (1) practical projects designed to help win the war; (2) practical projects important in preparing for peace and reconstruction; (3) phenomena peculiar to the war, and hence necessarily to be studied at this time; and (4) phenomena accelerated or heightened by the war, but probably part of a permanent trend. Each of these will be considered in turn.

1. *Practical Projects Designed to Help Win the War.* In general, it was felt that the government agencies should give the lead as to what research is wanted, and the fact that more agencies do not do so was decried. Very considerable use is being made of political scientists within the government; far less use is made by extending commissions to those remaining on the campuses.

The fruitful areas for such immediately practical research are many. The largest number concern local administration and local war-related problems. To be most valuable, many of these projects should be undertaken simultaneously in a number of different localities throughout the country. For example, political scientists could conduct opinion surveys on war problems within their areas and report the results to the agency concerned. The Bureau of Special Services of the Office of War Information would be glad to learn of any research of this sort which is being undertaken. Tension areas brought by race irritations or industrial disputes deserve investigation and diagnosis. Where in pre-Pearl Harbor days there were pro-Nazi or native fascist groups, the behavior of such groups during the war ought to be analyzed.

The local administration of war effort offers many areas for exploration. The origin and personnel of the local draft and rationing boards, relations

[5] The Committee wishes itself to go on record as favoring also the long-range view of values in research, even though there must necessarily be priority at the present time for those projects which contribute to the winning of the war and the postwar settlement.

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between the army and municipalities near the army camps, enforcement and violations of rationing and price-control deserve the attention of political scientists; and the results of such study should be of genuine significance in the war effort.

Likewise, under the heading of the practical should lie research into the causes and effects of the various shortages—manpower above all, but also housing. Much light might be shed by such local investigations in discovering the potential supply of labor, in tracing the impact of such shortages on local government, and in correlating the results of local studies with the over-all national picture.

2. *Practical Projects Designed to Prepare for Peace and Reconstruction.* Even more prolific have been the suggested research projects bearing upon the postwar world. Several even went so far as to suggest a conference of representatives of all the social sciences to plan comprehensively and clearly the various fields to be covered. Such a conference would take into account research already in progress inside and outside the government.[6]

Three domestic problems have been mentioned as well worth the attention of our profession. First and foremost is the problem of discovering ways and means of educating our people to accept the type of postwar settlement which our national leaders believe to be essential. There are implications in this suggestion which may cause some members to pause, but surely the techniques of breaking down prejudices and of political education are fertile fields for our students of communication. What attitudes now prevail? By what techniques may those attitudes be changed which stand in the way of acceptance of an enlightened peace settlement? Surely these are urgent subjects for research.

The second problem is not unrelated to the first. This is that of orienting the soldiers' and veterans' groups after demobilization. Those who deplore certain aspects of past Legion activity and those who see the possibility of constructive citizen participation on the part of returning soldiers will at once realize that it is none too soon to institute the necessary studies of political behavior and its control which the situation demands.

The third area of research in the domestic field is reconversion of industry. Chiefly this belongs to the economist, but the political scientist will see implications deserving his attention also. Many of these will be in the field of local government—fiscal problems, voting behavior, dislocation of governmental personnel by return of those on military leave. Others will have wider implications, particularly those centering around

[6] In this connection it should be borne in mind that the Research Committee of the Association is sponsoring a panel on the general subject of "The Rôle of the United States in the Postwar World," and political scientists may look for further leadership from this panel in the course of a year or so.

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the political behavior of the displaced and unemployed.

Suggestions for research relating to foreign and international problems were much more numerous. However, more than one person interjected a word of caution as to the availability of relevant material. For example, in the whole vast field of relief and rehabilitation, much if not most of the vital information is confidential, and even that part which is not confidential is probably available in few places, if any, outside of Washington. Something of the same situation prevails in other aspects of the peace settlement, especially where attitudes of enemy peoples, or transfers of populations, or questions of military occupation and government are deeply involved. However, in spite of these cautions, there is general belief that much can still be done by those who remain on the various campuses.

Obviously, many problems relating to the postwar world must be approached in terms of a particular nation or region. It is doubtful whether the political scientist working singly can accomplish much in this regard. Furthermore, in the State Department, the Board of Economic Warfare, the Office of Strategic Services, the Division of Military Government, are groups of areal specialists who are already at work. Many, perhaps a majority, of the staffs of these agencies have been recruited from college faculties. Hence, the isolated political scientist who may wish to put at the government's disposal his peculiar knowledge of a particular country or region, and who at the same time does not wish to take up residence in Washington, would be well advised to make contact with one of these agencies and ask for some commission, paid or unpaid, to be executed on his own campus.[7] In certain of the universities, there are groups of scholars —geographers, economists, historians, cultural anthropologists, as well as political scientists—who by chance or design are well acquainted with the same foreign region. Under such circumstances, research and a pooling of wisdom would be peculiarly useful—in part as a possible corrective or check upon the official governmental policy, in part because findings and recommendations might properly be made public prior to the peace conference, and hence commence to induce popular support for a given policy.

Among the many concrete suggestions, a few may be singled out. Techniques to break down Nazi indoctrination would have a high priority on any list. Past experience in transfers of populations, in relief and rehabilitation, and in military occupation, are of really great importance; although in each of these it would be well to make the obvious preliminary governmental contacts before commencing research, in order to avoid possible duplication and lost motion.

[7] See the fuller discussion of this suggestion in the report of the Association's Committee on War-time Services, cited above.

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Finally, it is apparent that there will be a wide choice open to us at the end of the war as to orientation of our national policy. Our relations to a possible world organization, to the Western Hemisphere, to the Far East, to policies of international trade—all these will carry with them consequences to our domestic economy and policy and to our power position which deserve the most careful investigation under a number of different hypotheses. Government can and dares do little in illuminating, and even in exploring, the great variations in the consequences of the alternative policies open to us as a people. Private scholarship may do much by way of education as well as research—perhaps by education even more than research.

3. *Phenomena Peculiar to the War.* A most interesting group of suggested research areas and projects comprises those which probably must be studied immediately in order to be studied at all well. The value of such study to political science and social engineering naturally extends beyond the war—perhaps for use in the next war, perhaps to illumine political principles. Yet the difficulties of recapturing, or even understanding, these areas from mere written records after the war is over may be almost insurmountable. Hence the urgency.

As might be expected, a large number of these projects lie in the area of behavior. Political repercussions to the transition from abundance to scarcity furnish a large and fruitful cluster. The squirming of the pressure groups, the political expressions of individual frustrations and resentment, the changed rôle of the minority party—all are facets of the same central core. Non-voting in war-time and shifts in voting furnish spheres for both quantitative and sociological analysis. The effect of the war on the isolationist and communist groups, including rationalization of past conduct, conversions to new attitudes, escape by way of irrelevancies, and downright subversiveness—all are worth examining.

A miscellaneous set of problems concludes this section. Several of the persons interviewed suggested the study of the use of volunteers—the dollar-a-year man federally and the local board in the states and communities. What really has happened to these volunteers—case by case? What changes took place in the courts during the war? What has happened to civil liberties? What changes have taken place in state and local tax revenues? What effect has the war had on the individual, the school, the church, in so far as this effect has political expression? What new meanings, if any, has "treason" acquired? All these questions have been suggested as worthy of study; and for the most part they are urgent, if the phenomena connected with them are not to be blurred or even lost.

4. *Phenomena Accelerated or Heightened by the War, but Which Are Part of Permanent Trends.* To the political theorist, the final group is by far the most significant, for here, if anywhere, is discoverable the "Wave of

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the Future." A surprising number of suggestions are "unorthodox," to say the least; a surprising number reveal unexpected insights into new political trends.

Problems in the "new public administration" are the most sharply etched—in part, because of the tremendous growth of this aspect of government; in part, because of the preponderance of administrators among those interviewed. Only occasionally were the problems mentioned which preoccupied the student of public administration of a decade ago. The alternatives of functional and straight-line organization are still the bones of contention they always were. Moreover, sheer size of governmental personnel has brought to a crisis many of the problems traditionally associated with bureaucracy. But here the list ends.

No longer does there seem to be interest in studying the extension of the central controls on the part of the Bureau of the Budget and the Civil Service Commission. Rather has interest shifted toward the discovery of ways and means of meeting the problems such central controls create, or toward an examination of the pressures on or from them, or of alternatives to the predominantly negative approach of a control such as job classification.

The frontiers of needed research in personnel have shifted to ways of estimating qualities of personality (a wide open field), and especially to establishing relationships between the personality structure of the individual and the job he is asked to perform. What trainings and aptitudes do various groups bring to government service—political scientists, for example, or business men? How far should the alleged "principles" of public administration—which are probably grounded upon certain assumptions as to the personality of the public administrator—how far should these principles, especially in organization and procedure, be changed when personalities of other types, business men for example, are to do the administering?

Within the broad field of administrative behavior, the struggle for power has apparently played such a major rôle that it deserves most careful and prompt study.

In administrative organization, what is the significance of the "czar" as an institution? Along with this may be put the use of a "general staff," and the proliferation of liaison techniques. These techniques—a reflection of the vast network of interlocking problems in the modern economy—will obviously continue, and will increase their importance and significance, long after the war is over. They are part of the larger problem of inter- and intra-communications in a large-scale administration. Likewise, with the apparent decline in local autonomy, there is interest in evidences of growing autonomy on the part of the field offices, and in central-field relationships generally.

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It used to be taken for granted that policy formation belonged to the legislative branch primarily, or perchance to the President. The ordinary administrator, except possibly for the politically appointed cabinet official, was rarely, if ever, thought of as playing a rôle in this regard. Some years elapsed after Lowell's illumination of the administrator's rôle in policy in the British government before the appreciation dawned on us in America that a similar drama was taking place here also. Consequently, the methods, techniques, and procedures for policy formulation in the new administration have been largely neglected as a field of study. They dare not be so neglected any longer. The way is wide open for a profoundly illuminating and significant series of studies with a view to discovering the patterns of such formulation in a large number of fields—price control, taxation, economic warfare, censorship—to mention but a few. Even more illuminating would be a study of the embryonic but enormously important means whereby attempts are made to integrate these patterns and policies toward a common end. If the chief rôle of the government of the future is to be integration—and it appears that it is—then here lies perhaps the most urgent problem of all.

It is a commentary upon the administrative mind that far more of those interviewed spoke of the need for study of ways and means of obtaining popular acceptance of an administrative policy than mentioned the possibility of increasing the amount of intelligent popular participation in its formulation. Controlled experiments in attitude-changing were freely advocated, especially in breaking down popular distrust of officialdom. Leadership studies were likewise suggested, and one man called for a study which related political morality and strategy.

We may conclude our catalogue of studies of administration by mentioning two other suggestions. One of these concerned the methods of assembling and digesting information (including indexing, location of materials, overcoming resistances, etc.); the other concerned the meaning and techniques of organizational and administrative analysis. In both cases, an additional dimension was being added to research in public administration—research into the methods of research.

A second great field for research in probable future trends concerned the relationships between social structure and government agencies. The lesson that government is not a discrete sector of man's interests, something aloof and apart and separable, has been well learned. As an integral part of an enmeshed culture, it reflects, and in turn influences profoundly, the the other major sectors of man's activities. Consequently, the accelerated tendency to use special interest groups, to give them a function at times advisory, at times operative in the actual structure of government, is worthy of study—perhaps as a foreshadowing of a democratic corporative state. Advisory committees are used in virtually all the war agencies, and

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advisory committees either tacitly or formally tend to be constituted on interest-group lines. These committees themselves constitute a mine of research material. How may they be used effectively—to prevent mistakes, to give information, to convert to a program—without the committees taking over actual responsibility?

How, for example, may business men be used, without their behaving as business men? How use labor leaders? Is it true that labor increasingly is serving as a representative of business, as some have suggested? What techniques are available for group representation? Are there numerous unrepresented groups, as for example the business man who does not belong to a trade association? Do these groups suffer? What have been the affiliation and background of government administrators, especially of those regulating business?

One final question suggested by the cultural setting has to do with the relationship of the military to government in a total war. How deeply does it permeate? What attitudes and problems ensue? What if we should be moving into a long period of militarism which may in the end be scarcely distinguishable from totalitarianism in a kind of military-corporative economy?

A third area of great significance for the future of political science lies in the study of the mainsprings of political behavior, more especially in the field of political communication. Public information in war-time is an unsurpassed laboratory. There are contrasts to be drawn between official programs and agencies and unofficial groups, such as the Foreign Policy Association or the Tax Institute or the Twentieth Century Fund. Similar contrasts between the self-interested and the relatively objective groups merit attention. Should the government, for example, buy advertising? And, in any event, what is the relative strength of the various media open to it? Specific case studies were suggested: the reaction to Roosevelt's Casablanca trip, the public relations policy of the State Department, an analysis of sermon content during the war.

Two of the traditional areas of concern for political scientists were repeatedly mentioned as needing rethinking. These were international law and representative government. International law was regarded as overripe for a systematic audit. Neutrality, in particular, was seen to be approaching sterility as a concept. International administration is crowding in upon the scene.

The present and future status of representative government was mentioned both by those who are concerned with the impact of social structure on government and by those who visualize this impact in terms of behavior. What interests, what capacities, should be represented, and where and how? Congress obviously is changing, but what is to be its new rôle? The attitude of the public toward Congress is relevant in this con-

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nection, and that attitude must be carefully studied. Time and again the problem of relating legislators to administrators was mentioned as critical in our national life—to control the latter and to educate the former. Congress's own procedures came in for severe questioning, and the task of adjusting these procedures to realistic opinion and decision-making was put forth as a challenge to our research and ingenuity as a profession. The informal usages, as well as the normal procedures, of our chief legislative body require analysis. Finally, the question was raised—central to an understanding of our government—Why is Congress so critical of the administration at a time like this? Does it argue a basic insecurity arising from the legislative body's own out-moded rituals, or on the other hand is it a most valuable corrective to rampant bureaucracy?[8]

Inevitably the political scientist found himself trespassing upon the territory traditionally reserved for the economist. More than one man expressed the opinion that the political scientist of the future, to survive and to be true to science itself, must become far more of a political economist than a lawyer. With the apparent advent of a planned economy, the political scientist has the insistent and deep responsibility to find ways and means to keep such a controlled economy democratic. The economist and the political scientist must pursue such studies jointly. The economist must contribute the knowledge of price and production, the political scientist must be relied upon for institutional insights. The political scientist can understand why, for example, the Department of Justice met with such obstacles in its anti-trust activity and may be able to suggest techniques of regulation. The political scientist can explore and interpret and institutionalize the concept of "adjustment" as the modern sphere of government in integrating conflicting economic groups in the public interest.

Jointly with the economists, we must seek for principles to delimit the areas of public and private business respectively, and explore the possibilities of mixed forms of corporations and the types and effects of government regulation. In this latter connection, the hypothesis was advanced that regulation makes business men dependent rather than self-reliant, and the question was asked as to why this is so. Another field to explore is the political economy of metropolitan areas—areas whose present government is obviously archaic, but whose problems call for bold adaptations of political structure to economic and social requirements. Functional representation in such metropolitan areas was offered as a possible answer to the present outmoded forms.

To at least two or three among those consulted, the future of federalism seemed to be number one among priorities for study. What actually is happening to the states? Intergovernmental relations, the growth of

[8] See the various reports of the Association's Committee on Congress, *e.g.*, in this REVIEW, Vol. 36, pp. 1091–1102 (Dec., 1942).

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regional organization with its own peculiar relationship to the national government, the bypassing of the states in direct federal-city relationships—all bear witness to the changing nature of the so-called "United States." The phenomena presented are far-reaching in their effects, and they reveal grave danger of crystallizing usages and laws whereby the old genius of our federal system goes by default.

Conclusion. Probably all of the larger universities and a majority of the colleges have at least one member of the department of political science participating in the war administration. Little or no time is available to these men for research other than in line of duty. However, it is obvious beyond any shadow of doubt that these men are having an experience of government in action that will have a profound influence upon their teaching and research when they return to their college or university—as most of them doubtless will return—in the postwar days. A new fertility and a new reality will mark their activity and thought. Hence we may look with hope to our campuses to furnish considerably more leadership than in the past in training and advising statesmen in our postwar America.

The suggestions as to priority in research incorporated in this brief report have necessarily been assembled hastily. Yet it is obvious that the outlines of political science are changing before our eyes. In addition to meeting such priorities, there is for the profession a deep and abiding task collectively to think through the actual structure of our several areas of study, and to work out the frontiers where lie the most fruitful long-range research in each of our areas. With this in mind, the Research Committee of the Association is facilitating the formation of panels in several of these areas. In this task, it invites the coöperation of all who will give it.

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NEWS AND NOTES

PERSONAL AND MISCELLANEOUS

Compiled by the Managing Editor

Committees of the American Political Science Association, 1943. The membership of the various committees of the Association in the year 1942 was published on pages 124–127 of the February, 1943, number of the REVIEW. All of these committees, except those whose work has been completed, have been reappointed by President Robert E. Cushman for the year 1943. Appointment of a Committee on Program for the Annual Meeting of 1943 is awaiting decision of the Executive Council concerning the policy to be adopted with respect to such a meeting. President Cushman has appointed a Committee on Nomination of Officers for 1944 consisting of Professors James Hart (University of Virginia), *chairman*, Thomas S. Barclay (Stanford University), Charles M. Kneier (University of Illinois), Frederick A. Middlebush (University of Missouri), and Thomas Reed Powell (Harvard University). Professor Arthur N. Holcombe and Dr. Roland Young, both of Harvard University, and Dr. Robert D. Leigh, of the Bureau of the Budget, have been added to the Committee on American Legislatures and Legislative Methods with Particular Reference to Congress. Professors J. P. Comer (Williams College) and Thomas I. Cook (University of Washington) are new members of the Committee on Regional and Functional Societies. Professors Phillips Bradley (Queens College) and Francis G. Wilson (University of Illinois) and Mr. Joseph McLean (Social Science Research Council) have been added to the Committee on Research, while Professor Benjamin E. Lippincott (University of Minnesota) has retired from the same. Dr. Hilda Watters (West Illinois State Teachers College) has been appointed to the Committee on the Social Studies. The Committee on the Library of Political Thought has two new members, namely, Professors John D. Lewis (Oberlin College) and Rene D. Williamson (Davidson College). Because of the growing importance of the publication program of the U. S. Department of State, the Committee on Publications of the Department of State has been increased to five members. The newly organized committee includes Professors Charles E. Martin (University of Washington), *chairman*, Edmund A. Walsh (Georgetown University), W. Reed West (George Washington University), and Herbert Wright (Catholic University of America). A new committee on Inter-American Relations, under the chairmanship of Professor Russell H. Fitzgibbon (University of California at Los Angeles), has been appointed. President Frederick A. Middlebush (University of Missouri) has consented to serve as chairman of the Committee on the Relations of the American Political Science Association and the Social Science Research Council.

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At the University of Chicago, Professor-emeritus Charles E. Merriam again offered his course on Americal political theories during the spring quarter. Professor Quincy Wright is giving half-time to the Office of Lend-Lease Administration.

At Ohio State University, Professor H. Schuyler Foster has been given a six-months leave of absence for work with the Division of Research and Publications, U. S. Department of State.

Professor John D. Lewis, of Oberlin College, has been awarded a Guggenheim Fellowship and will spend the coming year in work on a book on trends in American political thought and institutions since 1900.

During the second semester at New York University, Dr. Marshall E. Dimock, Assistant Deputy War Shipping Administrator, gave ten lectures on public management. During the first semester, he lectured on government corporations.

On May 5, 6, and 7, Professor Edward S. Corwin, of Princeton University, delivered the annual Edward Douglass White Lectures on Citizenship at Louisiana State University on the subject of "Total War and the Constitution." The lectures will later be published by the Louisiana State University Press.

Dr. William Lonsdale Taylor, formerly assistant professor of international relations in the Maxwell Graduate School of Citizenship and Public Affairs, Syracuse University, has been appointed principal historical specialist with the Board of Economic Warfare, Washington, D. C.

Professor Leonard D. White, of the University of Chicago, has resigned as editor-in-chief of the *Public Administration Review*, quarterly journal of the American Society for Public Administration. Mr. Gordon R. Clapp, general manager of the Tennessee Valley Authority, has succeeded to the position, with Mr. Don K. Price, who from the beginning has served as managing editor, retaining the same position. Professor White remains a member of the *Review*'s editorial board.

Professor Floyd W. Reeves has returned from his official duties in Washington to full-time work at the University of Chicago. He, however, retains consulting responsibilities in connection with the National Resources Planning Board.

Professor Charles H. Titus, who has been in active service as a Lieutenant Colonel in the Signal Corps in Australia and New Guinea, has returned to the University of California at Los Angeles.

Mr. Paul Kelso, lecturer in political science at the University of Cal-

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ifornia at Los Angeles, has left the department for service as a Second Lieutenant in the Army Air Corps.

Professor Malbone W. Graham delivered a lecture at Berkeley in the annual series of lectures on international relations presented in March and April on that campus of the University of California.

Professors J. A. C. Grant, Charles Grove Haines, Russell H. Fitzgibbon, and Malbone W. Graham participated in a conference held in Los Angeles April 10 and 11, under the chairmanship of Judge Manley O. Hudson, for the purpose of discussing postwar problems. The conference was participated in by various southern California educators, lawyers, and public men.

At the state-wide election held in Missouri on April 6, Professor William L. Bradshaw, of the University of Missouri, was elected delegate-at-large to the forthcoming state constitutional convention. Fifteen delegates-at-large and sixty-eight district delegates were chosen.

After completing a year of service at the University of Wisconsin as lecturer in political science, Professor J. B. Shannon, of the University of Kentucky, has become head of the section of legislative analysis in the Bureau of Agricultural Economics, U. S. Department of Agriculture.

Professor Smith Simpson, of the University of Pennsylvania, is serving as senior divisional assistant in the Division of Political Studies in the U. S. Department of State.

Professor George B. Noble, of Reed College, is chairman of the Twelfth Regional War Labor Board, with headquarters at Seattle.

Dr. Spencer Albright is at present an instructor in maps and charts at the University of Washington.

Professor Charles B. Hagan, on leave from the University of Illinois, will remain at Harvard University a second year.

The Pennsylvania Political Science and Public Administration Association cancelled its annual spring meeting because of the war situation. President Charles C. Rohlfing announced that the annual elections would be held by mail ballot.

Professor J. Roland Pennock, of Swarthmore College, has been assisting Professor Philip C. Jessup in the Lehman office in Washington, but returns to the College about July 1.

Professor G. Homer Durham, of Swarthmore College, is serving as an educational associate in the Institute of Local and State Government at

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the University of Pennsylvania and is supervising the field research of the Fels scholars in the Wharton School.

Professor John Brown Mason, of Fresno State College, has been awarded a Social Science Research Council grant-in-aid for completion of his study, "The Free City of Danzig, 1919–1939."

A conference on "The Meaning of Postwar Problems in Education" was held April 2–3 at Princeton University under the auspices of the Harvard Graduate School of Education, the Princeton Surveys, and the National Foundation for Education. Speakers and leaders were Professors William S. Carpenter, Edward S. Corwin, J. Douglas Brown, Edward M. Earle, Frank A. Fetter, Alvin H. Hansen, and Alfred D. Simpson, Mr. Norman F. S. Russell, Deans Christian Gauss and Henry W. Holmes, and President Harold W. Dodds.

At the University of Washington, Professors T. I. Cook and Spencer Albright have been given leave of absence for the duration. The former is with the War Labor Board; the latter is serving with the Army Air Corps. Professors Kenneth C. Cole and Linden A. Mander have been retained by the 12th Regional War Labor Board for intermittent duties on labor panels. The former is chairman of the aircraft committee administering various parts of the Boeing decision.

On June 17–27, the Summer Institute for Social Progress, commonly convened at Wellesley College, held its 1943 session at Briarcliff Junior College, New York. The general theme was "Issues Today Determining Democracy Tomorrow," and the topics discussed had to do with problems of the home front in relation to the war effort and the possibility of a just peace.

The Council on Books in War-time, an organization of publishers of trade books, librarians, and booksellers, is actively promoting the important books on problems of the war and of the peace, working through libraries, bookstores, radio programs, and news releases. Mr. James Van Toor, vice-president and manager of the college department of Farrar and Rinehart, has received leave of absence from his firm to serve as executive director of the Council. The address is 400 Madison Avenue, New York City.

In addition to approving a special rate of three dollars a year for members of the American Political Science Association engaged in military service, the Executive Council of the Association has endorsed a plan under which chairmen and senior members of political science departments agree to be responsible for the dues of younger members of their

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departments in instances where such arrangements seem necessary. It is hoped that there will be general coöperation in the scheme.

Dr. Yang Yung-ching, president of Soochow University, one time private secretary to Dr. Wellington Koo, is, during the current academic year, the visiting professor of Chinese civilization on the Tallman Foundation at Bowdoin College. In addition to offering courses on Chinese government, he gave, during the month of April, three lectures on the following topics: "China and Russia;" "China and Great Britain;" "China and the United States."

Count Carlo Sforza spent the period May 2–21 on the campus of the University of Wisconsin, lecturing, meeting with classes, and conducting round-tables. His topics ranged widely over the field of international affairs, with emphasis on problems of postwar reconstruction.

With the aid of a grant from the Rockefeller Foundation, the American Library Association is establishing a Washington office of the Association's International Relations Board, with a director who will supervise the Association's international activities, maintain contacts with government officials and organizations, and continue planning for library participation in international cultural relations. Two major projects are at present under way—one concerned with postwar aid to libraries in war areas, the other with the sending of books and periodicals now to Latin American libraries. The former, in its third year, and operating under grants from the Rockefeller Foundation, is purchasing current files of American scholarly periodicals to help foreign libraries restock their shelves after the war. The Books for Latin America Project is operating under a grant from the Government and is engaged in supplying books by United States authors to the libraries of other American republics. The office acts also as a procurement agency for books and related materials which are being sent to the cultural institutions in Latin American countries, and is cooperating with the Coördinator of Inter-American Affairs in a project for sending to Latin America certain books and periodicals which are being donated for the purpose.

The request of the Department of State for funds for printing in the 1944 fiscal year was recently pared down $40,000 by the House of Representatives in line with the report of the House Appropriations Committee suggesting that the printing of the regular *Foreign Relations* volumes and the Paris Peace Conference volumes could be deferred until after the war. The funds have been requested for the three 1931 *Foreign Relations* volumes, which are now being compiled, and for Volumes XI to XIV inclusive of the Peace Conference series, some of which are also in the early stages of compilation. The loss of the funds would make it

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impossible for the Department to maintain the fourteen-year gap in the publication of the annual *Foreign Relations* volumes—a gap which is just now being achieved through the issuance of some of the 1928 material in 1942 and the expected appearance of the 1929 volumes this year. It would also delay the work on the Peace Conference series. After the passage of the appropriation bill by the House, the Department of State requested the Senate Appropriations Committee to give consideration to the restoration of the amount involved. Similarly, the House of Representatives omitted from the appropriation bill for 1944 the entire amount, $14,000, requested for continuation by the Department of State of the work on the *Territorial Papers of the United States*. If the Senate does not reconsider this decision, the *Territorial Papers* staff in the Department's Division of Research and Publication will be disbanded on June 30 of the present year and only one of the several volumes now in process, the second volume on Michigan Territory, can be completed. The original request of the Department of State for printing and binding for the year 1944, as it passed the Bureau of the Budget, was for $288,000. The reduction in this amount by the House of Representatives leaves it at $248,000. The original estimate as passed by the Bureau of the Budget included virtually no leeway for such unanticipated items as the large pamphlet on *Peace and War* issued a few months ago. Therefore, the cut will be a very serious crippling of the publication program unless the item is reinstated by the Senate.

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BOOK REVIEWS AND NOTICES

The Principles of Power; The Great Political Crises of History. By GUGLIELMO FERRERO. Translated by Theodore R. Jaeckel. (New York: G. P. Putnam's Sons. 1942. Pp. ix, 333. $3.50.)

It is easy to be critical of a volume when the author admits the freshness and perceptiveness of his originality. In America, the tradition of modesty in authors is in some fashion obeyed, but the late Guglielmo Ferrero is not of our tradition in that respect. Because of the importance of the issues with which he deals, we may be justified in overlooking Ferrero's candor about himself.

Our author is trying to make a statement of a central political issue before us in the twentieth century: What is the nature and what are the conditions of *legitimate* government? Obviously, if we would have peace when the Second German War is over, we must have legitimate government in Europe. It will be the task of United Nations statesmanship to establish such governments, and therefore any contribution to this momentous discussion should be welcome. Ferrero moves in the orbit of political psychology rather than that of economic contingency. Here, then, is one of the deeply controversial aspects of the volume. But we might suggest that the ultimate objection to Hitler's "New Order" is not that it will fail to provide employment for the peoples of Europe. The proof of its viewpoint adduced in this work is an analysis of European political experience.

The volume at hand is a continuation of *The Reconstruction of Europe.* The origin, nature, and effects of the principles of legitimacy as stated by Tallyrand are taken up in detail, and a number of governments are analyzed to determine their legitimacy or illegitimacy. Among these are the absolute monarchy of Louis XIV, the early revolutionary governments in France, the government of Napoleon, the Swiss republic, the British monarchy, the reign of Louis XVIII, Louis Philippe, Napoleon III, the Hapsburg monarchy, Italy before 1921, the Fascist régime, the Third French Republic, and the Weimar republic. The last-mentioned government, for example, Ferrero argues was neither legitimate nor illegitimate, for it was in a state of pre-legitimacy. It might have become legitimate in time by being accepted by a majority of the people if it had not first been overthrown. The psychological approach to legitimacy appears in Ferrero's insistence that fear, reciprocal fear, is always present in the relationship between government and subjects. When a government is illegitimate, the fear that is latent becomes open and in the end brings the overthrow of the government. One is inclined to say that there is a strong element of Thomas Hobbes in *The Principles of Power.*

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In 1940, with the fall of France, "the last great legitimate power left on the continent after the flood of revolutions that started with Russia and ended with Spain" disappeared. "Europe is dying of a disease that threatens to infect the whole world. . . . The disease of which Europe is dying is a canker that might infect the rest of the world if the other continents do not know how to protect themselves. It is as necessary for them as for Europe to understand the origin, the nature, and the growth of this fearful pestilence that threatens to deform and mutilate the whole of mankind" (pp. vii-viii). As the monarchic systems of large sections of Europe have been overthrown (especially after 1919), revolutionary, illegitimate governments took their places. With revolutionary governments spreading through Europe, Napoleon's adventure in German terms was destined to be attempted, and general war was certain to come. The Congress of Vienna understood the principles of legitimate power, but Ferrero asserts the men who guided the League of Nations did not, "and it is especially because of this that their work failed miserably in one of the most lamentable fiascos of history."

The critics of Ferrero—in other reviews of this work—may insist there is nothing really new in *The Principles of Power*. Did not Aristotle and Thomas Aquinas know of the problem of legitimate government? Indeed, yes. But if illegitimate, revolutionary governments are the plague of our day, and if the solution of our troubles must be found where they begin—in Europe—it is essential to examine the question again, and yet again if necessary, in the light of European history since the beginning of the modern age of revolutions. Thus Ferrero begins and ends with a commentary on Tallyrand's perception of the problem of legitimacy. Stating the principles of legitimacy, Tallyrand said: "A legitimate government, be it monarchical or republican, hereditary or elective, aristocratic or democratic, is always one whose existence, form, and mode of action have been strengthened and sanctioned over a long period of years, I might even say over a period of centuries . . . " (p. 138). Ferrero restates the matter in these words: "These four principles of legitimacy—the elective and the hereditary, the aristo-monarchic and the democratic—have for centuries been intermixed, either in conflict or in collaboration" (p. 22).

Today the question at issue is the establishment of a tradition in Europe of democratic legitimacy. It is no easy task to conclude in the spirit of our time the revolutionary interlude of illegitimate governments. Attitudes cannot be seen, but they are; they are the spirit of the city of tomorrow. Men do not fear just power (p. 41).

FRANCIS G. WILSON.

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Capitalism, Socialism, and Democracy. By Joseph A. Schumpeter. (New York: Harper and Brothers. 1942. Pp. x, 381. $3.50.)

This is a provocative book written in a style which is likely to repel American readers. This is unfortunate, because its involved sentences of Germanic scholarship contain many ideas which people in the United States would do well to ponder. The thesis embraces three parts: capitalism is doomed to failure, it will be replaced by socialism, and finally socialism is compatible with democracy. The abundant arguments with which this thesis is buttressed are almost wholly from European experience, but there are enough references to the United States to indicate that Professor Schumpeter believes New Deal policies are hastening the advent of socialism in this country.

Capitalism, the author thinks, is doomed, not because it will break down under the weight of economic failure, but because its "very success undermines the social institutions which protect it, and 'inevitably' creates conditions in which it will not be able to live." The weaknesses of capitalism do not spring from the sins of the capitalists, but from the apathy which is engendered in the entrepreneurs as they behold the decomposition of the environment in which their system operates. In short, the factors which account for the final collapse of capitalism are psychological. Apparently it becomes useless to attempt the correction of evils in a system whose beneficiaries no longer have an interest in its survival.

The socialism which is to come is compatible with a variety of institutions. When free competition has been abandoned, an institutional pattern will emerge in which "the control over means of production and over production itself is vested with a central authority." The existence of a "huge and all-embracing bureaucratic apparatus" is contemplated with resignation. Is this to be distrusted by a people who have already witnessed the bureaucratization of economic life and, indeed, of life in general? Fears may be allayed by appealing to human vanity. Altruism may not exist, but human egotism will continue to flourish and can be exploited for the service of society. As each individual assumes his proper station, the badge of social prestige will differentiate him from his fellowmen. Since the individual will not be distracted by taxes, the need for saving, and the like, his material requirements can be met by modest monetary rewards. If a touch of cynicism hovers about this portion of the thesis, one must read the book to have it removed—or confirmed.

The reconciliation of democracy with socialism, which is the most interesting portion of the thesis to a political scientist, Professor Schumpeter is unable to effect by reference to the classical doctrine of democracy. On the contrary, he believes that a theory of democracy which retains the common good as its central concept has long been at variance with the

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political facts. Obeisance to this theory was rendered in the United States much longer than elsewhere because the people were so fully occupied with the exploitation of the resources of a continent that they did not indulge in political speculation. But the state in the future requires another theory of democracy. Democracy must be so defined that the rôle of the electorate is not to formulate opinions about political issues but to produce a government which will make decisions. This conception of democracy becomes compatible with socialism when the leadership is of high quality, the effective range of political decision is not extended too far, and a broad spirit of toleration prevails. To the reviewer, the danger from democracy conceived in this way is that it may readily be perverted to support a totalitarian form of government. Politicians seldom abide within a narrow range of official competence unless compelled thereto by fear of losing public confidence, and bureaucrats are not naturally endowed with a broad spirit of toleration. The danger of authoritarianism is not lessened by the admission of a power in the electorate to evict a government. The right of revolution has always been exercised in subordination to a preponderant public opinion. In a democracy, a government is not cashiered for light and transient causes, but only when by its acts it outrages public sentiment. A system in which the most important duty of the politician is to guess whether particular decisions will be successful is not likely to be democratic.

WILLIAM S. CARPENTER.

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Ballots and the Democratic Class Struggle; A Study in the Background of Political Education. By DEWEY ANDERSON AND PERCY E. DAVIDSON. (Stanford University, California: Stanford University Press. 1943. Pp. 377. $4.00.)

The authors have contributed a study of political behavior in which the political rôle of occupational groups is given the *central* position. The title of this volume was chosen to convey three ideas which to Dr. Anderson and Dr. Davidson comprise the substance of the democratic political process—the popular franchise, the democratic ideal, and the group struggle for increased well-being based on the principle of self-help. Their interpretation attempts to refute the claims of both those who believe that the motivation force in political behavior should be a "blind faith in democratic ideals" and the Marxist conception of the "inevitable class conflict" which will destroy the existing political structure in this country. The data to support this thesis are drawn largely from some 70,000 registrants in a California county (Santa Clara) during one national (1932) and one state election (1934).

However, the importance of the study lies in the fact that its scope,

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implications, and conclusions have more than local significance. For the writers match their conclusions with those of others who have also examined the motivating forces behind the ballots in which the influence of occupation may have been only an incidental factor. For example, the authors' investigations confirm the fact that traditional party allegiance is the greatest single force behind the ballot, to the extent of seventy per cent of the electorate in this county. However, because party control may be upset by narrow majorities, the non-traditional forces or "clusters of influences" affecting the electorate may be decisive. Supported by many excellent statistical tables scattered throughout the text and in the appendix, the authors analyze these factors under the following headings: occupation, social status or prestige, economic stake, residence, fellowship, influence of leaders, education, bossism and party controls, nationality, sex, marital condition, and "propaganda."

The occupational status of the voter and his economic stake in government receive the most detailed and penetrating analysis. The authors find that while party affiliation is an individual matter, the influence of occupation is powerful when groups are considered. In fact, a relatively small number of occupations provide the large proportion of registrants in each major party. Economic interest does not operate "as a single isolated and controlling factor . . . nevertheless, the weight of the evidence is such that, in general, economic interest must be set down as one of the most powerful elements in political motivation." However, in the gubernatorial campaign of 1934, the authors admit that while all factors influencing political behavior were at work, the viciousness of the political propaganda alone could account for the margin of seven per cent that defeated Upton Sinclair.

An entire chapter is devoted to the question, "Does the American electorate upon examination turn out to represent a well-defined structure with an implicit class consciousness and destiny of 'conflict'?" The authors find it difficult not only to describe the term "class," but more specifically to identify the individual classes in American political behavior. To them, the problem involves the staggering task of devising and using instruments in the measurement of particular classes and in obtaining precise data for locating the several populations according to their stake in government. While recognizing that many millions emigrated to the United States from European class groupings of a caste-like structure, these hereditary classes disappear in an American environment uncongenial to the preservation of rigid European class distinctions. The authors conclude that American farmers are not comparable to the "peasants" of Europe as a class; that the middle-class in America is not a clearly recognized entity. The American upper-class, on the other hand, does come closest to being a well-knit group approaching a "class." The character of the American

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labor movement lends support to the conclusion that the American workers are not a class-structured group. "We cannot say, therefore," add the writers, "that classes are not in the making in this country, but can affirm only that the rapid tempo of change appears to make the stabilizing of the sustaining conditions of such emerging groups too uncertain for substantial long-run class consolidation."

In the final chapter, current educational theories and practices are subjected to sharp criticism by the authors, who present their program for a more *realistic* approach to citizenship training. Although there is little new in this approach, the authors argue their case effectively. The importance and relevancy of citizenship training in a study dealing with political behavior in a democracy is, of course, well taken.

This research in political behavior is a welcome contribution to political science by the authors who so recently published *Occupational Mobility in an American Community* (1937) and *Occupational Trends in the United States* (1940).

BELLE ZELLER.

Brooklyn College.

Recruiting Applicants for the Public Service. By J. DONALD KINGSLEY ET AL. (Chicago: Civil Service Assembly. 1942. Pp. 200. $3.00.)

This is the fifth in a series of committee reports prepared for the Civil Service Assembly in order to provide thorough and critical analyses of existing policies and practices in particular fields of public personnel management and to formulate proposals for the more complete and satisfactory performance of such personnel activities. Preliminary memoranda for certain chapters were written by designated members of the committee, and the first draft of the full report was reviewed by the entire committee, but Professor Kingsley, as chairman, was responsible for defining the scope and content of the report, writing several chapters, and serving as coördinator and editor of the project.

The term "recruitment" is defined as "that process through which suitable candidates are induced to compete for appointments to the public service." Though recruitment is admittedly of vital importance in producing a high-grade public service, the committee finds that relatively few public personnel agencies in the United States have given adequate consideration to recruitment policy or adopted progressive recruitment procedures.

The first two chapters are concerned with certain basic aspects of the recruitment problem in this country and with the essential elements of a positive recruitment program. Particular emphasis is given to the desirability of integrating the recruitment process with the levels of our educational system, and to the development of promotional ladders in order to

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lay the foundations for a real career service. In these respects, the report is reminiscent of the earlier report of the Commission of Inquiry on Public Service Personnel. The committee finds that certain concepts widely accepted in American civil service practice have resulted in a mediocre rather than a distinguished corps of public servants. Among these prevalent ideas and practices are mass competition and the emphasis on experience and so-called "practical" tests. Recruitment programs are classified as "anticipatory," the purpose of which is to enhance the general attractiveness and prestige of the public service, and "direct," the chief object of which is to attract an adequate number of qualified applicants for specific examinations definitely scheduled.

Subsequent chapters are devoted to specific problems involved in the recruiting process, such as the determination and forecasting of needs for personnel, the scheduling and announcement of examinations, the form and content of application blanks, the issuance and receipt of applications, the review or audit of applications, and the notification of accepted and rejected applicants. A brief concluding chapter summarizes the findings and recommendations of the committee, and in so doing reiterates the need for the adoption of policies and techniques designed to attract and select the most highly qualified candidates available. The committee does not minimize the difficulties involved in establishing a positive program of recruitment. Rather, it recognizes the practical exigencies of the existing situation, while at the same time it seeks to point the way toward the ultimate goal of a real career service. A useful bibliography and a selection of recruitment forms used by personnel agencies complete the book.

While the committee disclaims any intention of contributing a manual recruitment practice, the public personnel officer will find in this volume many of the "answers" to his day-to-day problems. Teachers of political science will profit greatly from a reading of the report, both because it deals with an important aspect of one of the major functions conditioning the whole of public administration in the United States and because it will be of material assistance to him in answering some of the questions of his students concerning the present and future prospects of getting a job and achieving a career in the public service.

LLOYD M. SHORT.

University of Minnesota.

Administrative Law. BY ROSCOE POUND. (Pittsburgh: University of Pittsburgh Press. 1942. Pp. x, 138.)

To the growing attacks on current developments in administrative justice, Roscoe Pound adds the weight of history and philosophy in a volume that is one of the more succinct and reasoned analyses of the shortcomings of administrative justice unrestrained by the traditions and processes of

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the common law as administered by regularly constituted courts. Proceeding from the assumption that the common law is a taught tradition of the supremacy of law, of individual rights, and of adjudication instead of administration, Dean Pound denies the idea that "whatever is done officially is law." Administrative law, so-called, is, therefore, but a species of justice without law, lacking the restraints of judicial procedure and the techniques of decision inherent in that "artificial reason" of the law. Dean Pound freely admits that the usual complaints brought against the rigidity of judicial justice possessed some validity during the last century, when adjudication was under the spell of a conceptualistic and mechanical jurisprudence, but he regards such deficiencies as arising from the application of the law in the courts and not from the system of judicial justice itself. Many of the reasons for such complaints, he believes, are now disappearing, with the result that many current criticisms of the processes of judicial justice have become invalid.

Certain deficiencies of administrative justice appear to Dean Pound as inherent in the administrative process. Using his own logic, however, it can be said with equal validity that the shortcomings of administrative justice are not inherent in the system, but represent only temporary aberrations in day-to-day administration. Dean Pound closes with a warning against absolutism, which, he believes, may be fostered by the absorption of private law into public law, by the breaking down of "the rule of law," by the abandonment of the separation of powers, and by the overthrow of checks and balances. His theory, therefore, is cast in the mold of Whig political philosophy and the constitutional theory of the early American republic.

Acceptance of these premises necessitates full agreement with Dean Pound's argument, but it may well be doubted whether the common law possesses, or has ever possessed, the grandeur he attributes to it or, as Justice Holmes once stated, that it exists at all outside the decisions of common law courts in jurisdictions throughout the English-speaking world. It may well be doubted, too, whether the threat to individual rights today comes from active governments employing the administrative process. On the contrary, there is ample experience to demonstrate that inaction on the part of government may be a much greater threat. For all the traditions of impartiality, of the necessity of a hearing, and of the supremacy of law, courts, fundamentally, are organized for inaction. In public law, at least, the policies formulated by courts for the control of administrative action must of necessity be negative. That judicial restraints on administrative action may be desirable in many instances certainly is true, but safeguarding administrative action and superseding it are different matters.

ROBERT J. HARRIS.

Louisiana State University.

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Municipalities and the Law in Action: 1943 Edition. EDITED BY CHARLES S. RHYNE. (Washington, D. C: National Institute of Municipal Law Officers. 1943. Pp. 611. $7.50.)

One Year's Experience of American Cities at War; Report of the Committee on Wartime Legal Problems of Cities. (Washington, D. C: National Institute of Municipal Law Officers. 1942. Pp. 104. $3.00.)

Standing at the legal nexus, the National Institute of Municipal Law Officers is able to give an outstandingly complete, blow by blow, account of the impact of the first year of war on American cities. This sixth volume, covering the Institute's fifth annual conference, is more than a mere legal compendium; it is the vanguard of legal thinking by municipal attorneys on current city problems.

A summarizing report (published separately) covers the legal aspects of such diverse subjects as civilian defense organization, liabilities, protection problems, loss of municipal employees to the military and to industry, municipal revenues and finance, federal use of municipal properties and facilities, housing, transportation, supply, zoning, law enforcement, and salvage and solicitation.

The reports of committees, which constitute the major portion of the volume, are well organized and presented. Each was prepared in printed form prior to, and distributed at, the conference. Separate treatment is given to criticism of federal attempts to control municipal wages and disputes, notation of increasing federal control and decreasing federal revenues in federal-city relations, increased actual and potential liabilities for torts arising from the war effort, zoning relaxations to meet housing shortages, and the trend toward payments in lieu of taxes under the Lanham Act. In a well reasoned report, issue is taken with the Ohio decision making the housing authority liable for taxation.

There is presented an excellent review of city revenues and finance (pp. 269–312), including the discouraging prospect for any increase in the city portion of state-shared taxes. One section is devoted to a summary of the cases on social and economic control of industry by municipalities and on federal regulation and control. Also considered is the effect of the war on municipal utilities and the power of such utilities to pass on to the consumer the new emergency taxes.

The alertness of the Institute is demonstrated by its preparation of model ordinances dealing with civilian defense organization, blackouts and air raids, emergency suspension of building, electrical and plumbing codes, and the tightening of charitable solicitation controls. In view of the recent court activity concerning handbill ordinances, the new draft of the Institute's model handbill ordinance is of special interest. A new service of the Institute is the filing of briefs *amicus curiae* in cases of general interest to cities.

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That civil liberties have been "thoroughly respected" in the past year is a matter of note in the report of the committee on that subject. The lack of remedy on contracts wanting performance by reason of war effort is substantiated by (first) World War cases, World War legislation, and current legislation. The legal and administrative aspects of control of prostitution and the compulsory treatment of persons infected with syphilis are discussed.

Provocative remarks were made by President Chanler on the subject, "Why We Fight This War," and by Mayor LaGuardia on "Federal-City Relations and the War." Interesting addresses were reported on OCD, inter-municipal coöperation, cities in the air age, and Canada and the war.

The discussions of reports and addresses, during the course of the conference, are gathered togèther and classified by subject-matter (pp. 489–568). Six resolutions adopted by the conference pertain to sales tax exemptions, federal control of municipal employee problems, taxation of income from municipal bonds, state-collected locally-shared taxes, and compensation for civilian defense workers. A comprehensive table of contents and an index of thirty-five pages are included.

Although there is some overlapping in the several reports and addresses, the individual sections of the book are well edited and presented, and the volume will be of considerable value to officials and students of municipal government.

DONOVAN F. EMCH.

University of Toledo.

The Impact of Federal Taxes. By ROSWELL MAGILL. (New York: Columbia University Press. 1943. Pp. xi, 218. $3.00.)

All serious students of current federal tax problems are interested in the views of one with the exceptional experience and ability of Professor Magill; hence all are indebted to him and the Columbia University Press for assembling and publishing this small volume of studies. Much of the substance and text first appeared in *Fortune*, the *Journal of Accountancy*, the *Proceedings of the Academy of Political Science*, and the law reviews published at Columbia, Chicago, and Texas Universities. Apparently the two shortest of the seven chapters are new, namely, those on the excess profits tax and federal tax administration. The author naturally writes from the point of view of a lawyer, and primarily for lawyers, although the political scientist and the economist specializing in taxation will not consider more than two or three of these studies very legalistic.

Chief attention is directed to two sets of problems; first, that of how federal income, gift, and estate taxes affect the disposition of individual income and property through trusts, insurance, wills, and related laws; and secondly, that of how federal income and excess profits taxes on cor-

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porations affect business organization and policy. There are a few suggestions and implications as to the effects upon general economic and social policy and numerous brief suggestions about needed revisions of existing tax laws and the clearing up of vague and faulty court decisions.

Perhaps the most striking conclusion of the entire book is the author's statement that present estate, gift, and income taxes on estates and trusts (including insurance) "point toward an era of settled property in this country," similar to that in England. "The ultimate result of a generation of gifts in trust is not clear. Trust funds are not venturesome, they sit by the fire and warm themselves with 3 per cent, or less, and safety. A nation of trust beneficiaries would not be the nation of the roaring twenties, but it will be a nation of more equally distributed wealth. Finally, the postwar period will provide a perfect test for Mr. Mellon's thesis. With no large fortunes, save old ones, and with individual and corporate reserves depleted, will there still be venture capital available for our enterprise system? Or is an era of government financing of enterprise inevitable?" The main specific recommendation of the author is that the federal income, gift, and estate taxes be coördinated or integrated.

With respect to federal taxes on corporations, Mr. Magill says: "The whole corporate-tax structure requires fundamental revision, the basic features of which would be: (1) to give individual stockholders credit for the income taxes the corporation has paid on its earnings; (2) to relate taxable income and excess profits more closely to corporate income and capital as reported to stockholders."

The Treasury is criticized for its general practice with reference to federal tax legislation; that is, of making only miscellaneous *ad hoc* patch-work recommendations, hastily improvised by some of its "quick thinkers," whereas it should make some long, comprehensive, serious researches with respect to basic problems, looking forward to a well-planned and well-organized system of taxation that would be economically and socially sound.

Discussions of recommendations, other than those relating to the two sets of problems mentioned above, are very brief. The author recommends a federal sales tax, but is critical of the kind of spendings tax proposed by the Treasury last summer and thinks it unwise to mortgage the future too much by increasing the social security taxes substantially at this time. He also outlines a post-war "federal tax program" which envisages a more or less normal or regular annual revenue of about $20 billions: $8 billions from individual incomes, $4.4 billions from corporation incomes, $1 billion from estates and gifts, $2.5 billions from liquor and tobacco, $2.6 billions from general sales, and $1.5 billions from miscellaneous excises. This total of $20 billions compares with about $4 or $5 billions for post-World War I, and $1 billion prior to that war. It is emphasized, however, that a really

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good tax system for the United States involves a coördination of federal and state taxes.

The seven chapters in this small book are quite diverse in character and contain much repetition. Few, however, would expect to find in such a volume the unity and the thorough, systematic treatment found in the author's *Taxable Income*. But most lawyers, legislators, political scientists, and others who confine themselves to the daily tasks of narrow specialties may be reminded herein of the relations of their particular problems to other parts of the same broad picture. Moreover, the author brings up to date (to October or November, 1942) a number of important points in federal tax legislation and adjudication. This reviewer was most interested in Professor Magill's views with respect to federal tax administration, perhaps because his views on most of the other matters had been more available previously.

ROY G. BLAKEY.

University of Minnesota.

Tax Yields: 1941. EDITED BY MABEL WALKER. (Philadelphia: The Tax Institute. 1942. Pp. xi, 171. $2.50.)

State Income Taxes. BY ROY G. BLAKEY AND VIOLET JOHNSON. (Chicago: Commerce Clearing House. 1942. Pp. ix, 152. $3.00.)

During much of the depression decade of the 1930's, there was a pitiful paucity of data on state and local revenues. The Census Bureau abandoned its series on the Financial Statistics of States, and the other services were incomplete and irregular. The Tax Institute (then the Tax Policy League) stepped into this breach in 1937. It acquired information by means of questionnaires sent to the tax officials of the states.

This is the fifth consecutive publication of tax collection data by the Institute. Each successive volume has shown a substantial improvement in both form and content. The present volume includes many more charts than have been utilized previously. Presentation of data by individual states has been rearranged in order to bring together on opposite pages all of the data relating to a particular state or territory. In addition to the state data, over-all tax collection totals, with breakdowns by taxes and units of government, are presented. There are also data showing the effect of the war on state revenues, and statements from finance officers regarding trends in city finances.

The public should be able to depend upon a federal agency to supply fundamental quantitative data on governmental finances. The Bureau of Census is now supplying this need quite adequately, but the Institute's study is far from repetitious, since it presents the data in much greater detail for each state, and since it presents comparative statistics for a number

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of years. Detailed federal tax collection data are presented for each of the thirty years, 1913–1942, and detailed state data for each of the four years, 1938–1941. There are over-all tables and charts covering the entire period from 1911 to 1942.

The little book on state income taxes by Blakey and Johnson assembles effectively much information concerning state income tax practice. The thirty-six tables and charts admirably condense this information. The scope includes laws, practices, and administration. More specifically, the principal bases of summary and comparison are: taxable income, rates and exemptions, allocation of income among the states, treatment of residents and non-residents, jurisdictional problems, administration, yields, and trends.

One is especially impressed by the picture of the extraordinary diversity in state laws here presented. In the treatment of corporation cash and stock dividends and capital gains, for example, it is amazing how many patterns of procedures the states, left to their own devices or sporadically following the lead of the federal government, devise and apply.

The book is principally descriptive, but there is considerable analysis of state income tax problems. The conclusion especially stressed is: "Every year the importance of coördinating the various state income taxes becomes more evident; in fact, it becomes ever increasingly clear that all taxes of all jurisdictions within the United States should be coördinated into a harmonious system instead of permitting each jurisdiction the liberty or freedom of exercising its anarchistic and chaos-producing autonomy."

The book will prove valuable, especially as a source-book.

HAROLD M. GROVES.

University of Wisconsin.

Raymond Poincaré and the French Presidency. By GORDON WRIGHT. (Stanford University: Stanford University Press. 1942. Pp. 271. $3.50.) (The Hoover Library on War, Revolution, and Peace. Publication No. 19.)

The author, a member of the University of Oregon history department, has based this study upon a thorough search of the subject's available literature. His quest took him through a formidable shelf of documents, diaries, memoirs, books, and periodicals, the overwhelming majority of them French. The ten chapters are devoted to The [Presidential] Office, The Man, The Election of 1913, The Era of Moderate Cabinets, Wartime Politics, Military Affairs, Wartime Public Opinion, Treaty-Making and After, and Conclusion. Political scientists will find nothing startling or new in the first chapter; but practically all of the remainder of the book shows the results of labors they have neglected to perform. Wright's "Con-

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clusion" is not unexpected. "The result of the Poincaré experiment was conclusive: It showed that a president could be influential, but never powerful; important, but never dominant" (p. 249). If writers could possibly incorporate *all* of the things they have unearthed into their conclusions, there would be need only for textbooks, and Wright becomes textbookish only in his last chapter. Between Chapters II and X lies "the meat," for in them is spelled out the real meaning of "influential" and "important." Words like these are extreme ones when applied to a system of government in which no single official could reasonably or legitimately aspire to a "powerful" or "dominant" position. Wright tells us (p. 144) that "certainly the personality of the irresponsible [President] Poincaré must have dominated the responsible Viviani in council [of ministers] sessions. He asserts (p. 160) that "Poincaré experienced far more friction in his relations with Briand." Ribot and Painlevé were short-term premiers in 1917, but Poincaré found Painlevé more "coöperative" than Ribot. In November, 1917, Poincaré called in, or was forced to call in, *Le Tigre*. "Except," relates Wright, "during the Clemenceau period, he [Poincaré] exercised effective influence over the government" (p. 245). And again (p. 205): "The accession of Clemenceau to the premiership caused Poincaré's influence in both political and military affairs to shrink sharply. He could no longer propose strategic plans in the war committee nor make himself the outspoken sponsor of any given policy."

The author admits (p. 251) that his monograph "depends to a rather dangerous degree upon memoirs." His materials and methods, however, cannot be criticised by American students of French institutions unless they, by magnificent luck, can approach within closer ear-shot. Wright avows that "it would be foolhardy to maintain that a definitive account of the Poincaré presidency can yet be written" (p. v). A Frenchman would agree, with the additional stipulation that the job, of course, would have to be done by a Frenchman. Political scientists may be more complacent, but at least one of them believes that the present study is about the best we are likely to get. All other studies of the presidency must cover, as Wright's has done, the personal relations of the president with at least the premier, and probably with parliamentary leaders as well.

J. G. HEINBERG.

University of Missouri.

The British War Economy, 1939–1943. By MARY E. MURPHY. (New York: Professional and Technical Press. 1943. Pp. xiv, 403. $2.50.)

Our War Economy: Government — Production — Finance. By EMANUEL STEIN, JAMES D. MAGEE, AND WILLIAM J. RONAN. (New York: Farrar and Rinehart. 1943. Pp. 182. $1.00.)

As Herman Finer says in the introduction to Miss Murphy's book, here is "the first comprehensive account of the whole armory of economic meas-

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ures taken by Great Britain to meet the challenges of total war." It is a remarkably thorough and wide-ranging presentation of the experience of more than three war years in the organization of government, industry, and society. It should explain to Americans most of the things they are interested in knowing about the more technical sides of Britain's war effort, and since developments in this country have been following a somewhat similar pattern, should furnish a preview of the United States a year or two hence. It is surprising that while still in *medias res* the author has been able to give such a well-rounded and integrated account of the British war economy. While the style seems somewhat on the dull side, that is probably due to the fact that the book is so packed with factual material.

It would have been only too easy for Miss Murphy to make this study an uncoördinated review of the programs and policies of the various British war agencies. Instead, each chapter is organized around, and concerned with, a major economic problem. First comes mobilization of resources, and here the general organization of the War Cabinet is considered, as well as the more specific programs of the Ministry of Economic Warfare and the various Anglo-American joint boards. The chapter on expansion of production gives a not too clear account of the evolution of government policy and accomplishments in this important field. The ingenious system for concentration of civilian production through the designation of a limited number of "nucleus" plants for continued operation is explained much more clearly. There follow chapters on the recruitment of labor and labor policy, the financial problems of the war as reflected in wartime taxation and conscription of money, the consumption problems of rationing, feeding, and price control, and the management of wartime transportation. Miss Murphy even finds room for a chapter on actual and potential transformation of the social structure due to civilian defense, evacuation, and increased social consciousness typified in the Beveridge plan. Finally, there is an attempt to weave current thinking and expressions of opinion into a forecast of what is to be expected in Britain in the transition from war to peace.

The Stein-Magee-Ronan work is an oversized pamphlet with the same goal as Miss Murphy's, but it inevitably suffers by the comparison. Within the limits of a war "quickie," however, it is a reasonably useful job. In the first section on "The Government in War," Ronan reviews the respective rôles of the President and Congress during wartime, briefly sketches events which preceded our entry into the war, and notes the principal administrative machinery set up to meet the emergency and war situation. In the second section, "Mobilizing for War Production," which is the best part of the study, Stein gives an excellent 75-page summary of the measures taken on the production front, written in a clear and lucid fashion that Miss Murphy does not always achieve. The last two sections on financing and price control are sketchy and surface material of little value.

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Consideration of these two books raises the question of comparative effectiveness of war administration in the two countries. Neither work supplies an answer. The general view, which Miss Murphy's book, though making no invidious comparisons, tends to support, is that the British have met the problems of war administration and a war economy somewhat more satisfactorily than we. But any such conclusion must be tempered by recognition of many extenuating circumstances, particularly that the British have had more time in which to undo early mistakes, that a parliamentary system is more readily adapted to war requirements, and that the British have operated under a sense of urgency induced by having the enemy on the doorstep.

Miss Murphy repeatedly points out American borrowing of successful British devices. When lend-lease balances are finally struck, it might not be inappropriate to allow Britain a substantial credit for value received from her prior experiments in operation of a wartime economy. But there are strict limits on the transfer value of administrative experience, particularly between different governmental and social systems. (What, for example, would be the reaction of our war plant "sweater girls" to the British requirement of uniforms for women factory workers?) Trial and error remains the principal path to administrative wisdom. And repetition of some of the same errors in American organization for World War II as were made in its predecessor may lead one to conclude that in administration as in biology ontogeny recapitulates phylogeny.

C. HERMAN PRITCHETT.

University of Chicago.

The Politics of This War. By RAY F. HARVEY AND OTHERS. (New York: Harper and Brothers. 1943. Pp. v, 328.)

More and more the term politics is being used in the restricted sense of describing the struggle of interest groups for power and profit. Using this definition as a starting point, Professor Harvey and his collaborators, newspapermen and journalists, have been able to combine an unusual uniformity of treatment with the advantages of specialized knowledge. The chapters on The Politics of Grand Strategy (Russell Barnes), of Domestic Strategy (Blair Moody), of Conversion (Peter Edson), of Profits (Harold Fleming), of Big Business (Ralph Hendershot), of Small Business (William Enright), of the Farmers in Wartime (Alfred Stedman), of Labor in Wartime (Wesley McCune), of Price-Fixing (Fred Warner Neal), of the Armed Services (Ray Harvey), of War Financing (Harold Fleming), of Lend-Lease (John MacCormac), of Peace (C. Hartley Grattan), and of Politics (Ray Harvey), cover the major domestic problems without wandering afield and without overlapping.

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The contributors also maintain a uniformly high level of accuracy and of interest. They have made no effort to "write down" to the reader nor to sensationalize with "inside dope." But almost without exception, the treatment is clear. The reviewer recommends Harold Fleming's chapter on finance, which makes our income tax law intelligible in political terms, and Wesley McCune's chapter on labor for its objective clarification of the issues.

If there is any criticism to be made, it should be, not of the authors, but of the politics they describe. At a time when *laissez-faire* economics has been questioned and widely rejected, *laissez-faire* politics has become respectable. Its assumption is that out of the conflicting pressures of groups the net result will be the public interest. Throughout this book there is an acceptance of this in theory, combined with a recognition that in practice it has jeopardized our war production. Here is where the contributors differ in their approaches. Stedman is a pleader for the special interests of agriculture. Edson apologizes for the selfishness of groups, recognizing, for example, the reluctance to convert to war production, but saying it was "natural." ("All may be sincere in wanting to win the war, but each views the problem from its own *natural* and *understandably selfish* self-interest" p. 56). Even McCune finds self-interest "a healthy sign of a dynamic democracy at war" (p. 193). Professor Harvey makes most explicit this theory: "It is this right to scramble for the nation's goods and privileges for which we are fighting" (p. 321). He then adds the cryptic statement: "If politics of the kind played by parties becomes too burdensome, it may well be that people can do something about it."

On the other hand, Blair Moody would agree with Harvey's statement that "this struggle for position and control frequently results in delaying the war program" (p. 314), but would go on to say that politics of this sort is not good enough. "If the factions which divide us could not fight among themselves, and yet work together so all may be free, democracy would be doomed" (p. 51). But there are signs that domestic power politics is losing its respectability. This volume will have a permanent usefulness as a source-book to illustrate the way in which *laissez-faire* politics fails to promote the public interest.

DAVID O. WALTER.

Duke University.

Nazi Conquest Through German Culture. By RALPH F. BISCHOFF. (Cambridge, Mass: Harvard University Press. 1942. Pp. 198. $2.00.)

This volume is the twenty-first of the Harvard Political Studies. The author is "an American with German forebears" who began his research in this field in 1932, spent the year 1933–34 as an exchange student in Berlin, and again visited Germany in 1938 to study the political situation in

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Czechoslovakia. The book will be of particular interest to students of National Socialism, propaganda, international relations, and those concerned with problems of post-war reconstruction. It throws considerable light on the essential nature of the ideological struggle between "We and They." It is scholarly, has a clear-cut style of expression, and is quite dispassionate and objective.

The principal points which the author develops are these: (1) German cultural nationalism has had a long and persistent history, and is by no means an invention of the Nazis; (2) the destruction of Hitlerism will not eradicate the menace; (3) the nationalism of the Nazis differs from previous German nationalism in only two important respects—its emphasis on community of blood as well as language and tradition, and the greater stress placed upon exploiting the political power of nationalism by subordinating the state to it; (4) German nationalism, even in its Nazi form, has not been and cannot be a threat to the United States, for conditions here are vastly different from those in Europe; and (5) in any plan for the post-war reconstruction of Europe, nationalism, particularly German nationalism, must be taken into account, either by making cultural and political areas coincide (even if the compulsory movement of peoples is necessary) or by providing for the international supervision of large federal states.

Readers of this volume will find a wealth of information about the various types of organizations which have been used to spread German culture and nationalism, information which is not readily available elsewhere. The June Club, the Pan-League, the VDA (*Verein fur das Deutschtum im Ausland*), the Schutzbund, the Deutsches Ausland-Institut, as well as the numerous German singing and sports societies in the United States, receive extensive treatment. Proportionally little attention is given to such organizations as the Friends of New Germany and the German-American Bund, which, in the opinion of the author, have received far more attention than they deserved. The author's point seems well taken, for in historical perspective, these much publicized agencies of Nazi conquest seem rather insignificant.

Whether or not German nationalism presents a threat to the internal security of the United States, it is clear that it does present a danger for Europe, even though the Nazi brand is eradicated. The problem of nationalism, whether in the form of stateism in the narrower sense or in the form of racialism, is one of the major problems that will perplex and confound peacemakers and post-war architects. How can this spirit of nationalism be assuaged? It would seem that the United States has been fairly successful in curbing the spirit domestically. The process of assimilation has been rather successful, on the whole. One may well raise the question whether, in the light of our experience, the problem of nationalism in Europe can best be solved by segregating those of a given nationality into political and

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geographical areas, or whether it might not be more effective to break down such barriers by mixing populations and encouraging assimilation. To emphasize cultural differences, whether of language, tradition, or blood, by attempting to sort the population of Europe into a multitude of more or less pure national states may only help to fan the flames which have so often plunged the world into war.

HARWOOD L. CHILDS.

Princeton University.

German Strategy of World Conquest. By DERWENT WHITTLESEY, WITH THE COLLABORATION OF CHARLES C. COLBY AND RICHARD HARTSHORNE. (New York: Farrar and Rinehart, Inc. 1942. Pp. xiii, 293. $2.50.)

The World of General Haushofer. By ANDREAS DORPALEN, WITH AN INTRODUCTION BY COL. HERMAN BEUKEMA. (New York: Farrar and Rinehart, Inc. 1942. Pp.xxi, 337. $3.50.)

These two books are important additions to the growing American knowledge of German *Geopolitik*. The books are much alike in method and in purpose. That purpose, in the words of Mr. Dorpalen, is "to reduce to simple terms the mysteries which have been prowling under the name of *Geopolitik*." Both books are basically collections of source materials from the works of German geopoliticians. Professor Whittlesey follows the methods of interspersing these materials in a running commentary, while Mr. Dorpalen segregates the sources into sections between explanatory essays about the principal aspects of the subject.

Both books are comprehensive. They present expositions of all the important topics which have been of concern to the German conception of *Geopolitik*. They adequately reveal *Geopolitik* as an instrument of state powers, a conception which makes use of economics, psychology, history, and politics, as well as more purely geographical ideas of location. They portray Germany's strategic control-location, and have pieced together the German plan for conquest, which envisages ultimate control of the world.

In a sense, both books are "war" books. They are concerned primarily with the political program of conquest which geopolitics has, in the hands of the Nazis, come to mean. They trace out the plans for the subjugation or control of each country or major geographical division of the world. This danger the authors feel must be made clear and opposition to the German strategy aroused while there is time. In this purpose they are eminently successful, conveying with great force and clarity the coldbloodedness of the Nazi design.

It is this concern with the current military and political aspects of geopolitics that is at once the strength and weakness of the books. It gives

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them their verve, but it leads them to overlook the fact that geopolitics is also a subject of purely intellectual interest, even in the hands of the Germans. This is perhaps less true of Mr. Dorpalen than of Professor Whittlesey. The fact is that political geography is an old and respected subject. *Geopolitik* is merely the German name for it, different only in that Germans believe that no subject has been properly made a matter of study until the Germans have obscured it with their full attention. But the fearsome quality of *Geopolitik*, which the authors rightly emphasize, is achieved only in combination with other aspects of the complex Nazi philosophy. It should probably be said that, taken alone, it is no more strange that German geopolitics is concerned with the potentialities of a country centrally located and hemmed in by developed and populous regions than it is for British or American political geographers to be concerned with Empire "life-lines" or isolation. But this approach to *Geopolitik* must await a different intellectual atmosphere. Meantime these books provide sound guides to the range, the sources, and the implications of German views of national geographic interests.

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The Near East; Problems and Prospects. EDITED BY PHILIP W. IRELAND. (Chicago: University of Chicago Press. 1942. Pp. xiv, 266. $2.50.)

This book contains six lectures delivered at the Eighteenth Norman Wait Harris Institute in June, 1942, as follows: Count Carlo Sforza, on "The Near East and World Politics"; Professor H. A. R. Gibbs, on "Social Change in the Near East," and "The Future for Arab Unity"; Professor Salo W. Baron, on "Prospects of Peace in Palestine"; Professor Charles K. Webster on "British Policy in the Near East"; and Professor Quincy Wright, on "The Future of the Near East." An appendix contains eighteen recent pertinent documents. Useful maps are presented in the lining papers.

In dealing with six masterly discussions, a reviewer can present only samples from the wealth of ideas. All of the scholars dwell more or less on the acute problem of the relations of Arabs and Jews in Palestine, and all at least touch upon the questions of Arab unity and British and other Western policies in the Near East.

Count Sforza's discussion is studded with striking statements, of which some are very plausible: "The Near East with its millennial traditions will come out of this crisis much more as it was in 1939 than will most of the so-called Great Powers" (p. 3). Other statements are open to debate, or at least call for elucidation: "The Bedouin are weary of their everlasting migrations" (p. 23); "England has still the body of Turkey, there is no doubt that the soul of Turkey is with Germany" (p. 27). Most wise again

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is the suggestion that we "give up all our dense ignorance and selfish prejudices about all the Asiatics and speak frankly with them along new lines of social and moral equality" (p. 29).

Professor Gibbs points out the difficulties which make Eastern societies resistant to change. Nevertheless, many changes are going on, especially in military, economic, administrative, and educational directions. Variation is wide as between the different areas: the Turks have moved rapidly; all of the Arab countries much more slowly, and with greater preservation of continuity. The passionate desire for freedom from foreign influence and control has lately hindered cultural development. Arab unity can arrive only through voluntary federation.

In the mind of Professor Baron, no problem bulks so large as that of the Jewish relation to Palestine and to the Arab majority there. He makes a strong effort to present the Arab side fairly and to recommend a moderate settlement. But he would promptly cancel the British plan of 1939 and establish a large quota for Jewish immigration, to be controlled by the Jewish agency. Palestine could later enter a Near Eastern federation (or perhaps become a British dominion), either as a bi-national state or in separate Jewish and Arab parts; Jews should be admitted to Transjordan, Syria, and Iraq; Arabs might be removed, not by force, from Palestine to Iraq.

Professor Webster, while at many points critical of the British government's policy in the Near East, nevertheless is unable to see how in the given circumstances it could have been very different. The bitter Arab opposition to the Jewish "national home" was unexpected. To have introduced a Jewish majority by force would have been contrary to general British policy, to the terms of the mandate, and to the spirit of the League of Nations. After an earnest attempt at reconciliation, the British fell back in 1939 upon self-determination. Britain may justly be criticized for "the absence of a creative economic and social policy" (p. 169), and of "a bold and imaginative scheme of education for all the Arab peoples" (p. 170).

Professor Wright begins with an interesting analysis of conditions in a Near East which includes the Balkan peninsula and North Africa. The Turkish Empire declined and the interest of Western imperialisms increased. Germany and other powers desired strongly the vast deposits of petroleum. Nationalism has become an important political force, rising as religion declines. He sees affecting the Near East the chief trends of world opinion, including such qualification of full sovereignty as appears in hindrance of war, protection of minorities, limitation of imperialism by mandates, and reduction of trade barriers. He would solve the problem of Palestine by making that land an internationally protected home for Jews, Mohammedans, and Christians alike.

ALBERT H. LYBYER.

University of Illinois.

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Behind the Japanese Mask. By Jesse F. Steiner. (New York: The Macmillan Company. 1943. Pp. 159. $2.00.)

The Battle for Asia. By Edgar Snow. (Cleveland: The World Publishing Company. 1942. Pp. ix, 431. $0.89.)

Professor Steiner's book is a worthwhile contribution to the education of the American people with respect to the Far East. Drawing upon his own first-hand knowledge of Japan and the Japanese—knowledge acquired through seven years of residence as a teacher and a return visit in 1935 as a research student of social conditions—he undertakes to dispel some of the clouds of mystery which, until the very eve of Pearl Harbor, kept us from understanding the character and the purposes of the totalitarian militarism against which we are now at war.

Behind the mask of Japanese "inscrutability"—a mask which was largely the product of our own intellectual laziness—Professor Steiner finds an ambitious, homogeneous, and strictly regimented nation whose belief in its divine origin and equally divine destiny has remained unchanged throughout 1,500 years of cultural borrowing. The avidity with which Japan of the Meiji era turned to the West for instruction was inspired, not by admiration, but by fear and hatred. The leaders of "New Japan" sought primarily to learn the skills and techniques which would enable them to drive the impious foreigner from Japanese soil and eventually from the entire East Asiatic scene. In addition to these characteristics, the author points out other features which help to explain the policies of the Japanese government and the behavior of Japan's armed forces: the traditional deification of the warrior; the cult of ruthless brutality toward a defeated enemy; the degraded position of women; an educational system designed to stifle or crush all intellectual freedom; and an economy of exploitation which reduced the mass of the population to a condition of peonage. Yet this was the country which, even after three years of the present war in China, was regarded by millions of Americans as the champion of "law and order" in East Asia, the guardian of "democratic institutions" against the growing menace of bolshevism and anarchy.

Edgar Snow's *The Battle for Asia,* first published by Random House in February, 1941, now makes its appearance in a new popular-priced edition. Although it has been in print for more than two years, it is still one of the most recently written major studies of the Far Eastern situation, and in it Mr. Snow has equalled—if, indeed, he has not actually surpassed—the triumph achieved in *Red Star over China.*

Working on a canvas much larger than that used for his earlier work, Mr. Snow has developed a well-proportioned picture of the East Asian struggle from the Lukouchiao "incident" of July 7, 1937, to the conclusion

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of the Tripartite Pact of September 27, 1940. From Peking in the days immediately before and after Lukouchiao, he takes his readers to war-encircled Shanghai, to Hongkong with its profiteers and refugees, to bombed but undaunted Chungking, and to Yenan, where, at the headquarters of the famous Eighth Route Army, he renewed his earlier acquaintance with Mao Tse-tung and other Communist leaders. Along with such military matters as bombings, guerrilla tactics, and the strategy of "scorched earth," the author also discusses China's industrial coöperatives, the character of Chiang Kai-shek and other Chinese leaders, relations between the Communists and the Kuomintang, Japan's plans for a "New Order," the short-sighted folly of American and British policy in the Far East, and various other factors essential to an understanding of the general situation.

In the course of his discussion, Mr. Snow's own views and conclusions are supplemented by views expressed by various Chinese leaders, and of all these quoted comments the most striking is the following from an interview with Mao Tse-tung in September, 1939:

"At that time Mao also predicted that the Japanese would not enter the European war, but would attempt to compel the Western Powers to help force a decision on China. Only after Japan had wrung sufficient appeasement from Britain and America to weaken their own political and military position in the Far East, he believed, would she proceed to move on Indo-China, the Dutch Indies, and finally the Philippines. Mao said that the British would seek to 'stop the war in China,' and once he said that Chamberlain considered it necessary 'to sacrifice China in order to make an ally of Japan.' He also anticipated that, in the event of a British or American attempt at a Far Eastern Munich, a Russo-Japanese non-agression pact might follow—'on condition that it would not interfere with Soviet support for China.' "

Even in February, 1941, when the first edition of this book appeared, Mao's comments still contained a large measure of unfulfilled, but accurate, prophesy.

G. Nye Steiger.

Simmons College.

Victory Is Not Enough. By Egon Ranshofen-Wertheimer. (New York: W. W. Norton and Company. 1943. Pp. 322. $3.00.)

War and the Psychological Conditions of Peace. By William Brown. (London: A. and C. Black, Ltd. 1942. Pp. viii, 144. 7s. 6d.)

The first of these books provides a blueprint for peace-making—against the background of a brief but penetrating psychological analysis of the breakdown of the peace constructed at Versailles. The author, an Austrian by birth and a participant in the last war as an Austrian airman, has had

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an interesting career as journalist, diplomat, and League of Nations official. He now teaches in this country. He is, therefore, well equipped to discuss from first-hand experience the disintegration of the democratic superstructure after the peace resulting from the impact of deep-rooted forces in the life of central Europe.

Dr. Ranshofen-Wertheimer's approach is primarily social and psychological; there is relatively little analysis from the economic and political viewpoints, although he does not ignore the factors more commonly considered in appraising the postwar events of the past quarter-century. About one-third of the book is devoted to a study of the psychological causes of the defeat of the Versailles peace—within Germany and among the victorious Powers. He believes that the defeat began at Versailles itself, in the contradiction between the Anglo-American and the Continental conceptions of the conditions and purposes of world organization. He goes on to portray the failure of the Weimar government as the tension between the idealism of the Social Democratic leaders and their practical incapacity to assess and guide the emotional reaction of the German masses to defeat. The fall of France is similarly interpreted as fundamentally the result of the spiritual revolution toward religion and against the failures of the democratic régimes to cope with internal economic and social questions. In all of these cases, the author stresses the feeling of the peoples rather than any single event or succession of incidents as the inner core of the breakdown of peace in our time.

As to future peace-making, the author applies the same index of psychological criteria to his specific prescriptions. His major thesis is that a European federation must be established, with a monopoly of force and of economic power to insure the status quo in any future outbreak. If peace is to last, a more accurate appraisal of the dominant forces in Europe must be made than was made in 1918. He believes that two tendencies, apparently contradictory but capable of being harnessed, will reassert themselves after this war—socialist radicalism and traditional conservatism. Both trends are already discernible; unless account is taken of each, stabilization will be impossible. He makes a strong case for recognizing—and channelling—conservative forces in order to rebuild the foundations of a spiritual order and a civic consciousness in the conquered countries as well as in the fascist states.

His formula for the treatment of Germany after the war is not new, but is buttressed by the cogency of native judgment. He advocates a complete military occupation and the immediate installation of foreign administrative control, manned chiefly by Americans. Local administration should be firm rather than always right; it should enforce its decisions without consulting the desires of the people. Control should be maintained long enough to insure an effective mass-reëducation of the entire people. Advisers, drafted from those expelled by Hitler (not by any means pre-

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dominantly a Jewish group), would provide the necessary link between knowledge of domestic conditions and effective control. Only so, he believes, will the German people be able to reorient their own life toward integration into a peaceful Europe.

Dr. Ranshofen-Wertheimer's study is highly suggestive to political scientists. His emphasis of the psychological factors in and conditions of postwar peacemaking, although not entirely new, is of special importance in a period when many either ignore their significance or deal with them without an adequate background in European thought. That background is here portrayed with insight and objectivity, from experience in government and in its observation from the press gallery. It is one of the most revealing interpretations of postwar problems that has as yet appeared for Americans from a European pen.

Dr. Brown's slim volume attacks the same problem in more general terms and from a more specifically psychoanalytical viewpoint. Many readers will be put off from further perusal by his reiterated defense of Chamberlain at Munich. The real merit of his comments on the causes of war and the conditions of peace is also obscured by the form in which the essays appear, as lectures and letters to *The Times*. Behind the screen, however, there is much to ponder. Not since Edward Glover's *War, Sadism, and Pacifism* has so searching a study of the roots of conflict, personal and national, appeared.

Much of the book revolves around the psychology—or psychosis—of Nazi nationalism, domestic and international. Dr. Brown's comments are both informed and acute; he speaks from experience in the last war as well as in this. He links the innate ambivalence in the individual with that displayed in the international policies of states. He believes that, until statesmen and citizens understand the relations between their conscious motivations and their unconscious drives, there is little hope for peace. We must substitute positive values and objectives for our present negative defenses against the sense of fear or of inferiority before we can develop the psychological foundations for peace. Only on such a basis can we understand the mentality of the Germans—or of ourselves. It is greatly to be hoped that the author will elaborate his penetrating study into a more rounded manual for the peacemakers of tomorrow; no area of action deserves greater attention than the one outlined in this brief essay.

PHILLIPS BRADLEY.

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Vichy; Two Years of Deception. By LÉON MARCHAL. (New York: The Macmillan Company. 1943. Pp. vi, 251. $2.50.)

The régime of Marshal Pétain has been enveloped in obscurity. Notwithstanding all the books and articles, personalities have remained enig-

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matic; the mainspring of events, mysterious. Appraisals of the character, motives, and conduct of such men as Darlan and Weygand diverge widely. What lay behind the sudden fall of Pierre Laval in December, 1940, and his elevation to more ample power sixteen months later? What induced the Marshal to humiliate General Weygand, the one colleague upon whose loyalty he could count? Léon Marchal goes far toward satisfying our curiosity. His book is at once authoritative and convincing. Formerly a member of the French foreign service, he has the advantage of acquaintance with men of high position and of access to special sources of information. He broke with Vichy and joined the Fighting French a year ago, when Laval reappeared behind the footlights in a leading rôle.

This narrative of two somber years deals with various phases of a highly complex and shifting situation. The feeble government, as Marchal shows, lacks constitutional legitimacy. It does not possess an alternative title either of popularity or of force. Harassed by domestic feuds and foreign exactions, it keeps alive from day to day by resorting to secretive and devious methods. The Chief of State is "a discouraged old man, borne down by his own error" and surrounded by ministers who, to his own knowledge, have been betraying him. Pétain cannot choose or control his official colleagues. At one moment, having got wind of a particularly base deception, he drops Laval; later, after calling him a "German agent" whose mere physical presence is unbearable, he takes Laval back. Twice, in response to pressure, he degrades Weygand. Yet he is a man of ideals and convictions, devoted to the welfare of France, which can be achieved, he thinks, only through the spirit of sacrifice and willing submission to hierarchical authority. He is at the same time credulous. As late as the summer of 1939, he eulogized Hitler as the protector of religion and the family!

Marchal is skillful in the delineation of character. He recognizes the virtues of General Weygand, who—being of royal blood, but illegitimate and without family ties—has centered his affections upon the army. But Weygand is not quite so simple as many Americans suppose. On two critical occasions he "abandoned us. . . . Of all the hopes which had sprung up around Weygand's name there came to be only the name with nothing behind it." He, however, has stood resolutely against collaboration with Germany. To Darlan and others, he said in the Council of Ministers: "You wallow in defeat like a dog in dung." Darlan fares badly. He is "the vainglorious Admiral," consumed with hatred of England, as his public utterances show, and apparently eager to provoke war with that country. Laval is, of course, the chief villain of the piece. His early career in politics stamps him as a rascal. By 1935 he had committed himself to cordial coöperation with the Nazis and Fascists. His tortuous conduct since the armistice seems to deserve the epithet of treasonable. This is the author's verdict: "It would be better if he had never been born."

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Marchal does not indulge in pessimism or cast melancholy horoscopes. France will be herself again! Yet all too often he tells about false lights and shifting sands, dissension and intrigue, selfish ambition that profits from national calamity, honest men deluded by scoundrels, and weak men incapable of resisting corruption. Perhaps we can shrug our shoulders and say, "This is Vichy, not France."

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Pomona College.

Hungary at the Peace Conference; The Diplomatic History of the Treaty of Trianon. BY FRANCIS DEÁK. (New York: Columbia University Press. 1942. Pp. xxii, 594. $5.50.)

This monograph—despite some gaps in the assembled material and sporadic inaccuracies in the analysis—is the best available source of information, not only upon the making of the Treaty of Trianon, but also upon its diplomatic background and immediate consequences in Central Europe.

Logically, the author begins his narrative with the armistice. A broader treatment perhaps was outside the scope of the study, yet since a faulty execution of the armistice was primarily responsible for much that happened afterwards, it is essential to explain the relationship of the two agreements governing relations between the Allies and Hungary until the conclusion of peace. The armistice treaty of Padua and the military convention of Belgrade were technically not separate agreements. From the Allied point of view, according to the records of the Supreme Council, there existed only *one* armistice treaty, that which the Allied and Associated Powers concluded with Austria-Hungary at Padua on November 3. The separation of Hungary from Austria had no bearing on the issue. The Belgrade convention was envisaged as a supplement to the Padua treaty and was concluded with the object of turning Hungary into a base of military operations against Germany—hence the change in the demarcation line. However, the various alterations which put the settlement at variance with the treaty created a bad precedent for further arbitrary changes, which ultimately nullified the treaty as a bilateral agreement and precipitated a catastrophic internal situation in Hungary.

The section dealing with the work of the Supreme Council and its agencies covering the Hungarian frontiers and the establishment of the Communist régime in Hungary is well handled and adequately documented except for the *procès verbaux* of the territorial committees, on which extensive information is still being withheld. The author, however, has seemingly overlooked the tendentiously abbreviated excerpts of the proceedings of the Territorial Questions Committee for Rumania published in Rumanian in 1921. These excerpts are fair, though not wholly satisfactory, substitutes for the full texts.

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Less successful is the elucidation of the Hungarian background. A factual survey, no matter how accurate, fails to probe into objectives and driving forces without which human history is incomprehensible. The factor of decisive importance in this period was Hungarian nationalism, which is only incidentally mentioned. The truth is that the Communists could never have seized power by a *coup d'état* had not the Hungarians become exasperated over the territorial encroachments of the small Allied armies and finally lost faith in a just settlement. President Wilson himself called to account the Czechoslovak and Rumanian delegates at Paris "for having created the government of Bela Kun." The Communists cleverly capitalized the strong national sentiment against further partition, by promising action against the invaders. They found, too late, that they were manipulating something they could not control. The government learned with consternation that their Red Army, on its victorious march into Slovakia, was rapidly shedding its red trappings and hoisting national objectives, and promising to effect "political changes" after victory, while the governmental props in the army, the workers' battalions, were hopelessly disintegrating. With this background, one understands why Bela Kun hastily accepted the Allied proposal—in spite of his lack of confidence in Allied promises—that the Rumanian army evacuate the trans-Tisza area if the Red Army would withdraw from Slovakia. The government, lacking popular support, had to fence for a position against the army which no longer shared its objectives. When the Allies broke their promise, the disaffected army began to plot against the government, and therein lies the immediate cause of the downfall of the Communist-Socialist régime.

The reviewer may add also that the Allies kept part of their promise made on June 7 by requesting Kun to send representatives to Paris. The invitation got as far as Vienna, where the French envoy, shocked over such "aberration," buried it in his drawer and asked for new instructions which never came. This puts a curious light on the Conference's attitude, considering its later intransigence toward the extreme nationalist governments on the issue of representation. With the Bolsheviks and the Red Army gone, the Rumanians took possession of the remaining portion of Hungary and asked for credit for the "overthrow."

The third part of the study covers the Rumanian occupation, with its unprecedented looting which the Allied Mission was unable to check, and the none too successful efforts of the Supreme Council to put an end to this occupation so that peace negotiations with Hungary might begin.

This part is based on a collection of unpublished documents in a manuscript under preparation in the Hoover Library to which the author was given access, and, despite the web of confusing details, is concisely handled. To add a detail which is omitted in the book: When the Supreme

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Council became exasperated over Rumanian defiance and heard disquieting reports about atrocities in Transylvania, it seriously considered withholding from Rumania the right to Transylvania. In the absence of an Allied army to enforce the decision, the proposal was not pressed. From the reports it was concluded that "the inhabitants of Transylvania were not as favorable to Rumania as might have been thought."

In Part IV, covering the peace negotiations and the secret Franco-Hungarian negotiations, in contrast to the preceding part, surprisingly, the author has nothing to offer from the archives of the Peace Conference, although the files to which he refers in Part III continue through this period. This leaves a gap in the material which he fills with sidelights from the "Political Diary of the Hungarian Peace Delegation." But this is insufficient to throw light on such an important phase as the Allied discussions of the Hungarian counter-proposals pressing for a revision of the territorial clauses by plebiscite. This proposal, the reviewer found, was favorably received in Washington; for the government of the United States, "reluctantly" agreeing to the resolution of the Allied Ministers at London (February, 1920) which refused "at the present time" reconsideration of the Hungarian boundaries by means of plebiscites, expressed the view that eventually "extensive" modifications would prove necessary for ethnic and economic reasons. It is to be hoped the "eventually" may ultimately arrive.

KLÁRA FETTER.

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BRIEFER NOTICES

AMERICAN GOVERNMENT AND POLITICS

To say that Gordon Carpenter O'Gara's monograph entitled *Theodore Roosevelt and the Rise of the Modern Navy* (Princeton University Press, pp. x, 138, $1.50) is a useful contribution to the literature on the American Navy is not to dismiss it with a trite phrase. It deserves wide reading, for at once it is the summation of Roosevelt's influence on the emergence of our modern Navy; it describes certain technical reforms brought about by persistent criticism, farsighted statesmanship, and conditions abroad; it sets forth the foundation of American naval policy; and, finally, it is in a sense a study in public administration. In a simple account of the development of the United States Navy from 1901 to 1909, the following and related problems are discussed: the Navy Department, navy yards and bases, naval construction, fleet organization and distribution, and naval personnel. These problems, the pros and cons of proposed solutions, the difficulties besetting reform, the successes and failures of the Roosevelt administration, are skillfully handled. Omitting unnecessary detail and

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clearly written, the study takes the reader through these ten vital years of naval history without ever losing him in technicalities, though such subjects as gunnery, ammunition hoists, auxiliaries, waterline armor belts, and load displacement are treated adequately. The picture always remains large and clear. Mr. O'Gara presents no thesis; he is not breaking new ground in the fullest meaning of the term. Instead, he performs the valuable service of spotlighting a subject usually passed over in a paragraph or two, or at best a chapter. He has employed the traditional materials very effectively, particularly with regard to critical periodical literature. Some of the more important political overtones (for example, the rôle of Congress) are missing, but this is because the author has arbitrarily limited himself. Sometimes the actual influence of Theodore Roosevelt on particular points seems obscure, but perhaps this is due to the nature of that influence. Thus it is that Roosevelt appears in the case of naval construction reform to have worked indirectly through Commanders Sims, Key, and Fiske. At any rate, despite certain failures, the over-all results of Roosevelt's efforts are impressive as indicated in the author's conclusions. It is also clear that the President had invaluable help from interested persons in official and unofficial capacities (for example, Naval Constructor Holden Evans), to whom is owed a great debt. One wonders if Mr. O'Gara consulted George T. Davis's *A Navy Second to None*; it is a minor point, but the title might have been included in his bibliography.—RICHARD C. SNYDER.

The history of the Department of Labor until 1921 is recounted by John Lombardi in *Labor's Voice in the Cabinet* (Columbia University Press, pp. 370, $4.00). The story begins with the adoption of a resolution by the National Labor Union Congress in 1868 which urged the establishment of a department of cabinet rank so that Labor's voice might be heard in circles that were all too prone to accept the owner's and management's point of view. Despairing of the immediate attainment of that objective, attention was turned to a Bureau of Labor Statistics, which was achieved in Massachusetts in 1869 and in the national government in 1884. In turn, the Department of Commerce and Labor was formed in 1903, and the separate and independent department was finally achieved in 1913. The details of this development comprise the first part of the volume. The second part is devoted to an account of the first Secretary, William B. Wilson, his Assistant Secretary, Louis F. Post, and the organization and activities of the Department prior to the first World War. Aliens, immigration, children, labor statistics, conciliation of industrial disputes, and an embryonic employment service in connection with immigration were the clients of the new department. Some of these agencies were old and had their own traditions, and the others were new and thus required

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experiment and practice. The Department was developing its capacity in the problems given to it when it was faced with the tasks created by the first World War. The Secretary was appointed war labor administrator and all the labor agencies were grouped around the Department. The War Labor Board, the War Labor Policies Board, the Employment Service, and many other agencies were created to handle the problems that arose, yet all were coördinated through the Secretary. Mr. Lombardi examines in great detail the issues and controversies that grew out of these agencies. Part IV is given to the return to normal and the Red Scare of 1919 and 1920. The Department of Labor did its part in mitigating the harshness of Attorney-General Palmer's program by refusing to permit the immigration service to become an instrument of the Department of Justice. Assistant Secretary Post was threatened with impeachment for his adamant stand against such tactics, and was completely exonerated by Congress in the subsequent investigation. A final chapter surveys the results of the Department's work. The Department had performed creditably the tasks imposed upon it by the war and had attained status by 1921. This did not mean that Congress was generous, or that employers were not suspicious, or even that all organized labor uncritically supported the Department. Mr. Lombardi's study is a very useful addition to the studies of national administrative departments. It shows the results of careful and painstaking work. But it does not integrate the Department of Labor into the developing issues of American politics.—CHARLES B. HAGAN.

The argument over press and radio coverage of the United Nations conference on food at Hot Springs, Virginia, indicates how important it is to have a clear understanding of the workings of the censorship. No doubt many Americans took it for granted that the White House and the State Department had some valid reason for imposing the exclusion policy announced in April, a policy that literally barred the information agencies from all except the ceremonial sessions. Those who had observed how the censorship has been widened to include political as well as military matters no doubt had grave doubts about the wisdom of this policy. Unless the citizen possessed a background knowledge of the workings of the censorship, however, he could not intelligently interpret Washington's decision. He would not be aware of the tendency to stretch the censorship to cover governmental actions which our officials assured us immediately after Pearl Harbor would be made known to the public fully and adequately. *Wartime Censorship of Press and Radio* (H. W. Wilson Co., pp. 297, $1.25), compiled by Robert E. Summers, is a useful volume to have at one's elbow these days. Mr. Summers has succeeded admirably in bringing together essays and articles written by experts on the origin,

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purpose, operation, and problems of the censorship in this country. The compiler brings the unfinished story through the winter of 1942-43. Some of the most significant trends are now unfolding, and vigilance is required if the present hardening of the censorship does not end in something like autocratic control. Mr. Summers may have to rush out a revision of the volume to keep us abreast of what Roscoe Drummond, of the *Christian Science Monitor*, has properly called the "creeping censorship." Mr. Summers does not completely emphasize in his preface the lessons that can be drawn from his compilation. These fundamental matters emerge: the first area of confusion is the determination in Washington of *what is information useful to the enemy*. Arthur Krock makes clear that the danger in suppression is excluding from the communication channels *items which are annoying to officialdom rather than of military value to the foe*. A second issue relates to explaining to the people why certain information may not be released. At the time this review was written, the President had signally failed to make clear *why* the Hot Springs conference could not be covered by the press and radio. The third point is the unwillingness of censors because of their lack of confidence in the electorate to give out information upon which the people can make their own independent decisions. George Creel, censor in World War I, has something to say on this: "A free people are not children to be humored, cajoled, and lollipopped with half-truths for fear the whole truths would frighten them." One of the sanest comments in the volume, and one that needs emphasis over and over again, is from the pen of Roscoe Pound. The threat of an autocratic censorship is not a threat to the press alone, but to the whole people. In practice, the press is the social mechanism which has been created to exercise vigilance for us. "Only if the press is free to perform this function in our polity," he comments, "can we be sure that wars to maintain democracy do not in result become wars to establish an autocracy." The compiler says that practically the only real knowledge of the censorship comes from Creel, Mock, Price, General MacArthur, "and others." The statement is inadequate. If he refers to the censorship in past wars as well as the present conflict, it is a generalization which even the "and others" can hardly excuse. Mr. Summers' volume contains the President's order creating the Communications Board, the revised Press and Radio Codes, the executive order creating the OWI, and other useful documents. There is a good bibliography.—RALPH D. CASEY.

In the light of current problems of federal financing, it is not surprising that there should be a number of publications on the several phases of the problem. Two recent items deal with proposals for a federal sales tax. E. R. Nichols (ed.), *A Federal Sales Tax* (H.W. Wilson Co., pp. 259, $0.90), is an addition to the debaters' reference shelf and has little significance

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except as a collection of papers and extracts already familiar to students. The volume went to press in September, but the "Editor's Analysis of the 1942 Tax Situation" (pp. 9–24) was dated July, 1941. This analysis is a carelessly written, pro-sales-tax brief. The materials reprinted include some of the best available and some which are decidedly superficial. Some of the best materials, on the other hand, including *Sales Tax Data* (Ways and Means Committee, 1942), are entirely ignored. Included are technical papers on excess profits and corporation income taxation (pp. 85 ff.) and on personal income taxation (pp. 184 ff.), the relevance of which is not clear. The second volume, by Dr. Charles O. Hardy, on *Do We Want a Federal Sales Tax?* (Brookings Institution, pp. 47, $0.25) is a careful newly developed argument for a national tax on retail sales. It is well reasoned, popular in style, and decidedly persuasive. Although other writers may dissent from Hardy's underlying philosophy, most of the economic argument would be generally accepted. It is in connection with administrative proposals that the report is subject to severe criticism. Hardy proposes essentially the Ohio plan of sales tax administration, less the reports and audits. It is well known among tax students that, until Ohio instituted a modern audit program, there was failure to collect a heavy proportion of taxpayer liabilities. Even today, the evidence available indicates that the collections per thousand dollars of actual sales are inferior to those in certain other states which spend only about a third, or less, of the money per dollar which is paid out in Ohio—counting all the special inducements the state has found it worth while to use. Hardy would link up the sales tax with a dole of exemption certificates to prevent undue burdens on low-income recipients—which, of course, would increase the cost and add to the causes of inefficiency—and also with a compulsory savings plan which would be implemented by means of the coupons that purchasers would receive at retail stores. All of the latter types of expenses and difficulties, except the cost of providing the bonds and furnishing manpower and administrative machinery for their issuance and control, are included in the Ohio scheme. Hardy recommends his plan on the ground that it would be much cheaper and easier to administer than would one based on returns and audits.—JAMES W. MARTIN.

Another very valuable and timely contribution to the field of educational finance, primarily on the elementary and secondary level, in a particular state is to be found in E. F. Shepard and W. B. Wood, *The Financing of Public Schools in Michigan* (University of Michigan, Michigan Governmental Studies, No. 13). The study embraces the nature and fiscal importance of financial support for schools in Michigan, the theory underlying public school support, the Michigan program of state aid, and some of the immediate problems in the field of financing education. By

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tracing the development of educational finance from the territorial period in which private individuals, parents of children, bore a portion of the cost of education to the present time in which there has come to be joint public responsibility on the part of local, state, and federal governments, the authors indicate and discuss very effectively the major problems in this field, namely, in what manner and by what governments the funds for education should be raised and apportioned and for what specific kinds of education the expenditures are to be made. A very good chapter deals with the basic assumptions underlying, and the intricate problems involved in, state aid in Michigan and explains in some detail the complicated system devised for the distribution of these funds. The problems of more immediate concern which are discussed include the impact of the war with a concomitant dislocation of services occasioned by shifts in population, the small district form of organization which is a stumbling block in the road to equalization, the difficulties involved in consolidation of these small districts, and the desirability of federal aid in education. The value of the study is enhanced by a selected bibliography and by tables showing data relating to revenues and expenditures of school districts for typical counties in Michigan.—WILLIAM H. COMBS.

In *The Independence of State Regulatory Agencies* (Publication No. 85, Public Administration Service, pp. vi, 72, $1.50), James W. Fesler presents the results of a study of these agencies in twelve states and, in a sense, continues the able analysis of federal regulatory commissions by Professor Cushman. By the collection of information on a comparative basis from a selected but representative group of states, he makes a significant addition to the body of data available for the formulation of conclusions as to the effectiveness of the several forms of organization. In addition, Professor Fesler applies a realistic approach and penetrating insight to a subject which often has been treated by reference to principles established *a priori*. Having examined each of the possible formulae of administrative organization in the light of his study, the author concludes that none of them offers a universal guide. Independence itself "is an illusory will-o'-the-wisp," impossible of complete attainment and "more myth than reality." Real independence, if approximated, often leads to domination of the regulatory authority by the very pressure group it was designed to regulate. Only if there is a substantial identity between the group interest and the public interest, or if there are diverse interest groups whose efforts may counteract each other, can central control be relaxed. Reliance upon legislative supervision alone, the doctrine of integration through control by the governor, and the segregation of quasi-judicial functions in a separate portion of the staff are successively discussed, and each is found inadequate or impracticable as a uniform basis of organ-

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ization. Structural patterns must vary with time, place, and circumstances, some agencies being closely controlled by the policy-making branches, while others may be accorded larger or smaller degrees of independence. More unusual is the suggestion that independent status may be more suitable for service agencies than for regulatory agencies.—W. ROLLAND MADDOX.

The Port of New York Authority (Columbia University Press, pp. x, 352, $3.50), by Erwin Wilkie Bard, is an "institutional biography" of an important experiment in interstate coöperation. It traces the developments leading to the establishment of the Port Authority with the consent of Congress in 1921 by compact between the states of New York and New Jersey in an effort to attain some degree of unity in dealing with the problems of an area that constitutes a single entity from the point of view of transportation. A convincing picture is presented of a chaotic railroad situation in which each road was struggling for terminal facilities that would improve its competitive position in relation to the other roads. The Authority early drew up a comprehensive plan that included, among other features, the pooling of terminal properties, the use of belt lines for traffic, and the construction of a tunnel under the Upper Bay. Opposition by the railroads and failure to obtain support from the Interstate Commerce Commission are given as two factors contributing to lack of success in carrying out the major features of this plan. In the analysis of the more successful efforts of the Authority in respect to automobile traffic, in which congestion was reduced and speed facilitated by tunnel and bridge construction, the author concludes that real contributions have been made to engineering design and methods of finance. Brief mention is made of such minor labors as the study of food handling in New York, recommendations for the improvement of channels and harbor regulations and for the development of drydock facilities, and activities in defense of the New York port against discriminatory federal regulations. The author has made a painstaking study of the subject and, while evidencing sympathy with the objectives of the Port Authority, attempts to present with impartiality the controversies in which it has been engaged.—W. REED WEST.

Professors Lloyd Morey and Robert P. Hackett, in their *Fundamentals of Government Accounting* (John Wiley and Sons, pp. xi, 448), have written a book that should prove useful, not only to students and teachers, but to those engaged in government accounting as well—though some of the latter may protest that it is "too theoretical." After explaining the differences between public and private business and the resulting differences in accounting practices, budget-making, and the desirability of full reporting and periodical auditing, the authors describe in some detail the

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several "funds" and "accounts" which may be encountered, and the manner in which they should be kept. On the whole, the book is both sound and readable. The reviewer would, however, take issue on one major point. When the authors suggest that public agencies should be audited by private auditing firms, and that auditing contracts should be let without competitive bid, one may suspect professional bias. Is an auditor necessarily more competent if privately employed than if employed, say, in the state auditor's department? Are "politicians" more likely to "play politics" in appointing accountants than they are in choosing firms of private accountants? Are auditing contracts less subject to abuse than contracts for constructing bridges or public buildings? Will changing state auditors every two or four years destroy the continuity of auditing more than changing firms of accountants with the same frequency? Is the private auditor more apt to be informed as to budgetary practices and statutory requirements than would be an employee of the state auditor's office? Are we more likely to secure uniformity of accounting and auditing practices if each unit or agency is audited by a private accountant than if all were audited by some central governmental agency?—ROGER V. SHUMATE.

Confirmation is given to most of the principles and practices of public ownership and operation of electrical utilities, and particularly in their relations of competition with private operation, in *Municipal Electrical Utilities in Texas* (Bureau of Municipal Research, University of Texas, pp. 295), by Robert H. Gregory. The study, although based on a limited number of cities having variable conditions, has the rather satisfying feature of having had an experienced surveyor personally ferreting out situations peculiar to the various establishments and securing data not to be had with the record-keeping commonly found. Pitfalls to erroneous conclusions as to the advisability of municipal operation and rate structures seem thereby to have been avoided. The battle to secure dependable legal status follows the usual pattern. The rapid change in financing from that of general obligation to revenue bonds which took place after 1929 reflects something of the battles for municipal operation generally, as well as the declining faith of the investing public in unit establishments. Revenue financing without favorable opinion and good management has not shown assurance in public operation. That Texas management sees budgeting as either "impossible or undesirable" may suggest the inadequacy in utility accounting, auditing, and reporting. References, a selected bibliography, and generous supporting charts and tables add to the quality of the study.—H. C. COOK.

In his *State Penal Administration in Alabama* (Bureau of Public Administration, University of Alabama, pp. 178, on request), Malcolm C. Moos

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contributes another of the excellent studies of commonwealth administrative services and problems. Reviewing a century of penal administration in the state, the author proceeds to describe the five prisons and the system of road camps and the cattle ranch. Administrative organization and personnel problems are examined critically. Special attention is given to records and reports, methods of classification, prison industries, prison life, methods of discipline, personnel parole, probation, and pardon. Although it is indicated that recent years have seen a great deal of progress in the handling of Alabama's penal program, numerous specific suggestions are incorporated in the author's conclusions, particularly with regard to the incompatibility of seeking both self-sufficiency of the institutions and rehabilitation of the inmates. This is a grave problem in a number of states which have sought to make the penal institutions pay their own way plus a profit. Particularly unfortunate is the practice of transferring misdemeanor prisoners to the state prisons at great expense to the state, and primarily for the purpose of earning fees for transporting officers. There is adequate treatment of prison industries problems; also of proposals for expanding educational and recreational services designed to promote the return of the inmate to a society in which he will be a useful member.—D. W. KNEPPER.

Herbert R. Ferleger's *David A. Wells and the American Revenue System, 1865–1870* (Lithoprinted, published privately, pp. vi, 338) is a doctoral dissertation of a superior type. It tells the story of a remarkable and relatively little known political economist, David A. Wells, who was chairman of the United States Treasury's special revenue commission and later special commissioner of revenue during the difficult years after the Civil War. To this man, more than to any other, is attributed "the reform, revision, and simplification of an oppressive, chaotic, and irrational internal revenue system." Mr. Wells' researches and reports in the fields of currency, public debt, internal revenue, and the tariff furnished the first real basis in American history for sound financial legislation. This monograph is part of a projected full-length biography, and deals with Mr. Wells' service in the Treasury Department—the most productive years of his life. Dr. Ferleger's book is a scholarly work. It is exceedingly well written and contains an excellent and exhaustive bibliography.—CHARLES J. ROHR.

Claude R. Tharp's *State Aid in Michigan* (Bureau of Government, University of Michigan, pp 34), while devoted exclusively to Michigan, illustrates the changes which are taking place in fiscal and administrative relationships between the states and their local subdivisions. As demands upon local government multiply, the local property tax becomes increasingly inadequate; but most of the new sources of revenue available are ill-

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adapted to local administration. Furthermore, these increased demands accentuate the unequal ability of communities and localities to support the services required. Thus, the tendency has been for the state to impose and administer new taxes, as necessity arises, and to share the proceeds with its local units in such a manner as partially to equalize the costs, and at the same time to impose conditions designed to insure minimum standards of education, public health, public welfare, highway construction, etc. In many respects, these changes are similar to the ones taking place in the relationships between the national government and the states, and they are occurring for much the same reasons.—ROGER V. SHUMATE.

Of considerable interest to students of state government is the revision of *A Manual for Alabama Legislators* (Bureau of Public Administration, University of Alabama, pp. 106, on request), compiled by Dr. Hallie Farmer. This manual is designed as a service to the members of the state legislature, with a commendable abbreviation of the usual biographical features of similar undertakings. Outstanding is the emphasis placed upon information of importance to the legislator regarding his legislative job—sessions, legislative officers, committees, etc.—together with comments on business, lobbying, and procedure in the enactment of bills.—D. W. KNEPPER.

FOREIGN GOVERNMENT AND POLITICS

Books—good, bad, and indifferent—about Nazi Germany have been pouring from the presses in a constantly swelling flood ever since Hitler took power a decade ago. By now the law of diminishing returns has definitely set in, and authors find it increasingly difficult to present new facts or interpretations about the Hitler régime. Not so for Italy, for here we have a dearth of good books. When Mussolini declared war against us and allowed the American correspondents in Italy to return home last spring, he presented the latter with a golden opportunity to tell all. One of those to seize this opportunity was Richard G. Massock, chief of the Associated Press Bureau in Rome from 1938 to Pearl Harbor. His volume, *Italy from Within* (Macmillan Co., pp. 400, $3.00), thus has that quality of timeliness which a more scholarly work would inevitably lack. In appraising Massock's work, one is naturally led to compare it with *Balcony Empire*, by Reynolds and Eleanor Packard. Packard was head of the United Press Bureau in Rome until, like Massock, he and his wife, also on the U. P. staff, were interned in December, 1941. *Italy from Within* has more historical perspective, but it is far less colorful that the Packards' book. Packard also managed to get around more that Massock, who seems to have stuck pretty close to Rome. Yet in spite of its rather pedestrian style and tone, *Italy from Within* will hold the reader's interest with its

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numerous sidelights and anecdotes on personages and events. In a general way, the account is chronological, with each chapter devoted to a more or less coherent subject under a snappy journalistic caption. Anyone who follows Italian affairs closely will find that most of Massock's "revelations" are already common property. For the non-specialist, however, his account will be most helpful in giving the feel and flavor of Fascist Italy, particularly Rome, during recent years. Emphasis is laid on foreign policy and on Fascist *haute politique*, with relatively little attention to internal affairs. But, after all, the Fascist government has never encouraged foreign correspondents to go snooping around in the provinces, where they would soon find that things were not as represented by the Ministry of Popular Culture in Rome. —ROBERT GALE WOOLBERT.

In those happier times to come when the life-story of one who is "not a man, but dynamite" will include his not untimely demise, early Hitler biographies such as L. Wagner's *Hitler, Man of Strife* (W. W. Norton and Co., pp. 331) will appear hopelessly incomplete and subjective. Subsequent biographers, however, will be indebted to them for something which no *post-festum* work can possess and which will make them of lasting value as historical sources. They will convey to future generations the impression which living beings and events have made upon contemporaries. One would, therefore, open the first biography of Hitler published in English since the translation of Heiden's pioneering and now classical work with great expectation. If one closes it with a feeling of disappointment, this may be due to a number of reasons. Wagner's purpose was to tell anew the story which Heiden and Olden told years ago, and to follow it up to our day. Regarding the more general socio-political background of events, his book in no way equals Heiden's brilliant analysis. On the other hand, it would appear almost impossible at this time to improve upon the earlier biographies with respect to personal and psychological data, except perhaps for someone who had been in recent contact with persons and events in Germany and then escaped to tell the story; in this respect, all available sources have by now been exhausted. That part of the book which covers the same period as the earlier works is thus scarcely more comprehensive or revealing. Its value might, therefore, have derived from new facts and interpretations concerning the decade 1933-42, subject-matter of its second part. Here, however, the story of the man Hitler is superseded by an impersonal, though faithful, chronicle of world events such as can readily be found in any narrative of the period and policies concerned. While the author has thus abstained from turning a story which cannot now be told in its more personal and intimate aspects into a *biographie romancée*, somehow this dispassionate and detached approach seems strangely incongruous with the nature of its demonic topic; and since, moreover,

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the author had no access to untapped sources, and no new interpretation of his own, the question remains: Why this book? There are a few factual errors, e. g., regarding the date of the pogrom of November, 1938 (p. 267). —JOHN H. HERZ.

When a reviewer finds a volume unimportant, he ought to say so frankly at the outset and thus save time for everybody concerned. Paul Winkler's *The Thousand-Year Conspiracy; Secret Germany Behind the Mask* (Charles Scribner's Sons, pp. x, 382, $2.75) is an unimportant book which scholars can safely disregard. It tells us that Hitler is merely the tool of the Prusso-Teutonic group representing the Junkers, the army, and heavy industry, and that this Prusso-Teutonic group goes back to the Teutonic Knights. "From Frederick Barbarossa, who dreamed of himself as *dominus mundi*, to Hitler, who dreams of similar things, is but a step" (p. 223)—a step which Winkler has no trouble in taking. Similarly, the author is able to trace the connection between the "Fehme" murders of the post-armistice period and the Fehmic courts of the Middle Ages. The Bavarian deputy Gareis was murdered in 1921 because he was about to expose the "thousand-year conspiracy" of the Prusso-Teutonic-Fehmic forces. What Gareis failed to explain, Winkler more than explains—by the simple process of discarding all historical facts which do not fit into his thesis. The reviewer does not deny that Prussianism is an important element in National Socialism, but he does assert that there is no excuse for using up so much paper in another one-sided explanation of Hitlerism.—ROGER H. WELLS.

In Argentina, the process of intervention of the government in private economic activity has been carried out not only by the normal administrative agencies, but especially by regulatory instrumentalities, bearing usually the name of "juntas" or "comisiones." Arturo Frondizi, in the small volume *Régimen jurídico de la Economía Argentina* (Buenos Aires, 1942), gives in tabular form an enumeration of forty-six such agencies. Fourteen of these have the status of "personería jurídica."

INTERNATIONAL LAW AND RELATIONS

Dorothy Thompson's *Listen, Hans* (Houghton Mifflin Co., pp. x, 292, $2.50) is divided into two approximately equal parts. The first is a series of admirable essays of reconnaissance of the history, geography, scientific spirit, culture, and social structure of Germany, along with some generalizations as to the principles which must underlie the future peace settlement. The historical and cultural confusion of Germany is stressed, but it is recognized that for the "last hundred years . . . the urge toward national unity is the sole consistent popular and democratic line." All German liberal thought is for unity, and permanent European peace cannot be secured by dismemberment of Germany. The threat to do so will more

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than anything else unite the Germans and "cause them to fight to the last drop of blood." Miss Thompson is concerned with bringing about the overthrow of the Nazi régime, and consequently advocates an unrelenting peace offensive; for it is her thesis—and doubtless a correct one—that the German people want peace more than anything else. With this end in view, she undertook a series of short wave broadcasts, which, although approved by the office of War Information, were a private project carried on with the coöperation of the Columbia Broadcasting System. The broadcasts reprinted in the second part of her book cover the period from March to September, 1942, and were directed to an old German friend Hans, who, we are told, has always hated the Nazis and believed in a world order based on liberal, democratic, and Christian values. Through these broadcasts runs the message that the Germans must overthrow Hitler so that a just peace based on freedom can be made; that a united federated Europe must arise, but not as a result of a policy of Blood and Iron; that Germany is helping to build Japan's domination in Asia with its basic antagonism to the white race; that decent Germans have more to fear from a Hitler victory than from his defeat, since a victory will prolong their enslavement. To bring home to Germans a sense of guilt, the fact that Hitler started the war is reiterated and accounts of German atrocities are broadcast. Whatever authentication Miss Thompson has for these, they are not likely to be believed in Germany, even if true, in view of the exaggerations of the last war. What is good propaganda, what is good psychological warfare, is an extremely difficult and debatable subject. It would seem that these broadcasts have too much of a tone of sermonizing and lecturing to win many souls. In fact, Hans, who we learn in one of the last broadcasts is a high Reichswehr officer, was apparently not stirred by these one-way conversations, for his "last letter" was filled with despair. He gave no indication of heeding the constant summons to act.—E. C. HELMREICH.

British Policy and the Turkish Reform Movement; A Study in Anglo-Turkish Relations, 1826–1853 (Harvard University Press, pp. x, 312, $3.50), by Frank Edgar Bailey, is of great interest to students of British foreign policy and of Near Eastern history. It represents a first attempt to approach the history of the early Turkish Reform Movement from the viewpoint of how far the sultans and other Turkish promoters of the Reform Movement were influenced by Western inspirations. In this attempt, the book is supported by another forthcoming volume on Great Britain and the Reform Movement in Turkey, 1856–1878, by Miss Grace Grove, Swansea, Wales. The outlook of the present volume is necessarily specialized, inasmuch as it presents primarily the British side of the story and hardly the Turkish one, and also inasmuch as it does not and cannot deal with the French, Austrian, Prussian, and Russian checks and stimulations

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that were operating at the same time. A far-reaching topic is thus brought into small compass. The author introduces the topic by relating the general state of affairs in the Turkish Empire in the first quarter of the nineteenth century. He thus makes his main thesis clearer to the reader, namely, that the Turkish Reform Movement grew out of the sheer necessity of preservation, as viewed by Turkish leaders, and was hesitatingly assisted rather than actively stimulated from outside. Drawing from ample source material in British archives, he maintains that it was only after the treaty of Unkiar Skelessi had made Russian domination of the Turkish Straits an immediately threatening issue that Lord Palmerston took a livelier interest in Turkish and Near Eastern affairs generally. The lack of imagination which usually awakens British diplomacy only after foreseeable events have almost spelled disaster, but also the persistence of purpose once a new course of action has been taken, and the ample resources of the Empire which make such persistent though belated change of policy at all possible, shine out very forcefully from a detailed treatment of Palmerston's Near Eastern policy. Another factor which distinguishes British diplomacy rather markedly from the diplomacy of the statesmen of Continental Europe during the nineteenth century is the influence exerted over diplomatic trends in Downing Street by private economic interests. It seems evident from the statistics presented in the chapter on Anglo-Turkish trade that the markets of the Near East played a considerable rôle as an outlet for British manufactures, and that commercial interests lay at the roots of seemingly strategic deliberations.—Werner J. Cahnman.

Carl Kreider's *The Anglo-American Trade Agreement* (Princeton University Press, pp. xv, 264, $3.50) is the product of several months of special study of the most elaborate of all the agreements brought about under the Trade Agreements Act of 1934. The author has recognized the political significance of this particular reciprocal pact and does not neglect its international implications in the broader sense. Since this act has been twice renewed and is now pending before Congress for its third lease on life, careful study of the one outstanding achievement during the nine years of its existence is timely. While the author has firm convictions and sympathy for the perpetuation of whatever will liberalize international exchange, his study is critical rather than partisan and propagandistic. He treats this trade agreement from the point of view of the alterations which it effected in the long-established policies of Great Britain and the United States. He finds that the British modified somewhat a practice which had long been pursued "of exploiting the British passive balance of trade with individual countries." This was of greater significance than the tariff concessions actually made by that country. As for the United States, the author finds

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that the real spirit and purpose of reciprocity has failed to dominate American policy. The protectionism of the Fordney-McCumber and Hawley-Smoot era is still more evident than any spirit of genuine trade liberalization. This fact he frankly deplores. Looking at the whole series of agreements which the State Department, through its Trade Agreements Committee, has been able to establish under the Act, the author finds that they were a more effective method of reducing foreign tariffs in relatively free economies than in modifying the newer forms of trade control in regulated economies. But if the act has failed to liberalize trade policies in neighboring countries, its greatest failure in that respect has been at home. The United States has been making gestures in new directions while actually standing still. Such reactionary nationalism does not augur well for an enlightened postwar American foreign policy.—JOHN DAY LARKIN.

Public Documents and World War II (American Library Association, pp. 118, $2.00), edited by Jerome K. Wilcox, is a series of papers presented before the Committee on Public Documents, American Library Association, Milwaukee, Wisconsin, June 23 and 25, 1942. The papers appear in a processed form. They deal in Part A, pp. 1–74, with United States government publications and in Part B, pp. 84-118, with publications of foreign governments, Great Britain, Canada, European governments in exile and groups of their nationals, and Latin-American governments. The major theme running through all the papers is how libraries may find what documents are being published. Continued references, which will be of great value, are made to bibliographies, check-lists, indexes, and catalogs. United States government publications discontinued or curtailed are listed in an eighteen-page appendix. The perplexing problem of securing official British documents is discussed with candor and humor. Another theme, omnipresent nowadays, appears in these papers in the form of how the libraries are helping to win the war. It is given the fullest expression in the second paper, "Defense and War Activities and Resultant Publications of the Library of Congress," by Lucy Salamanca. But the point is really made when it is related that the Legislative Reference Service handled the inquiry as to the location of key public works and factories as a basis for a bombing program. A third matter considered is the problem of distribution and handling of documents which for military reasons may not be made available to the public until after the war. Also suggestions are made for the selection of libraries and the formulation of a program for collecting and preserving absolutely all United States government publications. These papers are valuable for the researcher on the track of current documents, for librarians anxious to preserve the records, and for persons responsible for establishing libraries and maintaining policies calculated to preserve the useful official materials.—JOHN E. STONER.

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In *Britain in the World-Front* (International Publishers, pp. 284, $2.00), R. Palme Dutt exhorts his fellow Englishmen to set aside personal and class differences in mobilizing totally for the destruction of fascism. Mr. Dutt contends, however, that only a strong and united working class movement can provide the effective leadership which a common national front against Hitler requires. Labor groups must combine to preclude a return to power of reactionary forces after the war and to control future social issues. Industrial and agricultural production, the organization of woman-power, military-civilian relations, the handling of the Indian question, war strategy—almost all phases of Britain's war effort—are treated in a hypercritical manner. But the writer does not hesitate to propose ways and means for their improvement. Complete government control of production is the immediate need if a second front in Europe is to be established before it is too late, although basic social reorganization must come "in the near future." First published in England in June, 1942, this book pleads with Great Britain and the United States to take the offensive beside the Soviet Union, to the end that victory over the Axis may be attained in the shortest possible time and at the lowest possible cost. Whatever discouragement Mr. Dutt may have experienced from the course of the war in 1942 did not prevent him from preparing an American edition with a new preface urging Britain's allies to profit by her mistakes in planning a people's war against fascism. The unfolding of the military strategy mapped at Casablanca may cause Mr. Dutt to be more sanguine. While one may take issue with views expressed regarding Soviet Russia and the effects of the war on British society, the writer is to be commended for supplying in brief compass an excellent analysis of German fascism and for stating the absolute prerequisites for its defeat.—LUTHER J. LEE, JR.

Arthur Norton Cook's *British Enterprise in Nigeria* (University of Pennsylvania Press, pp. ix, 330, $3.50) is a useful compilation of detailed information concerning a frequently neglected but very important part of the British imperial system. If anything, it includes too many facts, too much that is interesting but often merely diverting or even confusing. Moreover, most of the factual material is drawn, of necessity, from official sources or from the memoirs of colonial administrators. The author is fully aware of this weakness; nevertheless, the final result is a seeming lack of balance between British and native points of view. Those persons who have been most affected by this venture in imperialism, the Nigerians themselves, are seldom portrayed in a favorable light. While the approach to the native problem is apparently sympathetic, it is tinged more than a little with patronizing benevolence. In spite of these shortcomings, the book is a worth-while contribution to the case studies of imperialism. It

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places new emphasis upon the importance of Nigeria in the late-nineteenth-century rivalry of Great Britain, France, and Germany, and clearly depicts "the significant part played by trading interests in the establishment of political control." Likewise, it describes in some detail the development of principles of indirect rule and native land ownership as opposed to direct rule and the plantation system. An extended bibliography is included, but a good map, which would be most useful for easy reference, is strangely omitted.—FREDERIC HEIMBERGER.

In these hectic war days, as we rush to listen to the latest news broadcast and hurriedly scan the most recent newspaper headlines, we may easily lose sight of what has gone before and fail to view current events in their proper perspective. A victory today raises unfounded hopes. A setback tomorrow produces unwarranted gloom. Professor Edgar McInnis' *The War: Third Year* (Oxford Univ. Press, pp. xvii, 347, $2.00) provides a fine factual background against which to judge daily happenings. This third volume of his history covers the period October, 1941, to September, 1942. As in his first volumes, McInnis succeeded in giving us a well-ordered record with as much accuracy as available sources would permit. He has accomplished the difficult task of disentangling the mass of military and political data and arranging them so their significance and interrelationship are more apparent. He has done this without editorializing and with a consummate skill for disassociating facts from rumor. His narrative, however, is lively and interesting. He writes lucidly and well. The third year of the war saw Pearl Harbor and the collapse of the whole system of colonial defense in the East Indies and the great German assault on Moscow and the Caucasus. It was a year of defeat and disillusionment for the Allied Nations. However, it will probably prove to have been the year in which the turning point was reached. On this account, the chronicle of this year is especially significant. The book is to be recommended highly.—WILLIAM J. RONAN.

For many countries, one of the great difficulties in studying foreign relations is the lack of precise statement of the official papers existing in print, such as annual foreign relations volumes, treaty collections, diplomatic documents, etc. For Peru, Pedro Ugarteche and José Pareja Paz Soldán have prepared, on the basis of material in the Ministry of Foreign Relations, a publication under the title of *Al servicio de und-bibliografia de historia internacional y diplomática del Perú* (Lima, 1942, pp. 14). This pamphlet gives a full listing of the Peruvian *memorias* from 1822 to the latest (1940–41), of the *Boletin del Ministerio de Relaciónes Exteriores*, 1904–1940, the ten official treaty collections, issued between 1854 and 1906, and the *Archivo diplomático peruano*.

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POLITICAL THEORY AND MISCELLANEOUS

Among internationally recognized authorities on population questions is Radhakamal Mukerjee, professor of economics and sociology at the University of Lucknow. His most recent volume, entitled *The Political Economy of Population* (Longmans, Green and Co., pp. xiv, 467, 7s. 6d.), is based mainly on a series of lectures given at Cambridge University in 1937, since revised and expanded. Substantial sections have been published in sociological journals of India, Europe, and the United States. Although inadequately documented and somewhat broader in scope than the title indicates, the book is solid, generally sound, and provocative. The central theme is the question of maximum human welfare in relation to available material resources. Pointing out that Malthusian concepts of population are not acceptable, the author proceeds to sketch several fundamental factors such as food supply and conservation and then to consider various elements in the theory of optimum population. Briefly stated, these include the ecologic, the economic, the social and institutional, and the political or military criteria. Combining these approaches, Mukerjee arrives at the principle of the integral optimum and its application in the field of international population-planning. He advocates a more satisfactory distribution of material resources, a program to make commodities and products accessible through the channels of international trade, an international migration code as the basis for population movements from overcrowded areas, and the acceptance of a universal minimum standard of living. Of course a world organization is needed to assist in directing economic planning, population movements, and population policies, as well as to provide collective security and other forms of international coöperation. In a sense, the author speaks for Asia's teeming millons, restricted and exploited by Western imperialism. Yet his arguments have a wider application. His proposals are sensible as well as far-reaching. As he himself recognizes, they require great social and political changes on the part of the United States and Great Britain, not to mention other nations. Once more the question involved is the choice between the pursuit of power for national and imperial advantage and the adoption of enlightened and humane internationalism.—G. LEIGHTON LA FUZE.

Social Work Year Book, 1943 (New York, Russell Sage Foundation, 1943, pp. 764, $3.25), edited by Russell H. Kurtz, is the seventh Year Book to have been published, the first having made its appearance in 1929. Part I of the book contains seventy-one topical articles by as many authorities on such subjects as Adoption, Behavior Problems, Catholic Social Work, Community Welfare Planning in War Time, Education for Social Work, Jewish Social Work, Migration, Negroes, Postwar Planning, Prot-

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estant Social Work, Service Men, Social Aspects of Selective Service, Veterans, Volunteers, and Youth Programs. The articles report the current status of organized activities in social work and related fields. By related fields is meant (1) those whose practitioners share with social workers responsibility for service to a common group of clients and (2) those whose problems or objectives impinge upon the area of social work practice. Each article concludes with a list of selected references on the literature of the subject discussed. Part II, Directory of Agencies, is in four sections: (1) National Agencies—Governmental; (2) National Agencies—Voluntary; (3) State Agencies—Governmental; (4) State Agencies—Voluntary. The book further contains a list of topical articles and an index. Just as the 1933, 1935, and 1937 Year Books contain special articles emphasizing the social work developments and related activities of the depression, so the 1943 Year Book includes articles on extremely important new developments resulting from the war. The book is invaluable as a reference for social workers, for volunteers in various aspects of civilian defense, and for professional and lay persons needing specific information on social work.—HELEN I. CLARKE.

Every page of Horst Mendershausen's *The Economics of War* (revised edition, Prentice-Hall, Inc., pp. xiv, 390, $2.50) bears the marks of complete re-writing of the 1940 edition. The first general survey of the subject produced in America, it now profits from the cascade of private monographs and government reports published since 1940. Eschewing the tradesman's cant, and using simple direct language, the author presents a comprehensive, systematic, well-proportioned exposition of the economics of preparation for war, and the waging and liquidation of the same. The new edition is improved by about 65 additional pages of text, adequate footnote references, 14 additional tables and graphs, the grouping of all "Suggested Readings" at the back of the book, and the addition of a chapter on the war-production cycle and appropriate inclusion of the time-element in other chapters. Political scientists will want to read this work to put a "floor" under their discussions of wartime government. Used as a text, it ought to stand up solidly under class-room drubbing.—HENRY REIFF.

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CLYDE F. SNIDER
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CENTRAL AND EASTERN EUROPEAN PLANNING BOARD

Czechoslovakia, Greece, Jugoslavia, and Poland have established at 26 East 62d Street, New York City, the Central and Eastern European Planning Board. It has issued a series of mimeographed "documents and reports"—number 7 appeared in April, 1943—and a printed "pamphlet series," of which also seven titles have appeared as of April, 1943. These deal almost exclusively with problems of the postwar world, and average about twenty pages in length.

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